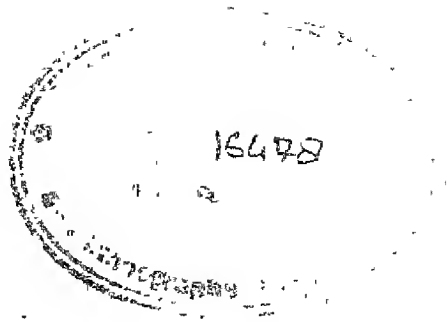


SEVENTH ANNUAL REPORT

OF

THE MINORITIES' COMMISSION



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CHAPTER I

GENERAL REMARKS

1. The Government of India set up the Minorities' Commission, vide Ministry of Home Affairs Resolution No. II-16012/2/77-NID dated the 12th January 1978, a copy of which is reproduced as *ANNEXURE-I*. The Minorities' Commission hereby submits its Seventh Annual Report to the President of India for the period from April 1, 1984 to March 31, 1985. During the period under report, the Commission comprised of :—

Chairman

Shri Justice Mirza Hameedullah Beg

Members

1. Ven. Kushok G. Bakula
2. Gyani Sujan Singh
3. Shri N. F. Suntook
4. Shrimati Annie Thayil

2. The Commission has been entrusted with the following functions :—

- (i) to evaluate the working of various safeguards provided in the Constitution, for the protection of minorities, and in laws passed by the Union and State Governments;
- (ii) to make recommendations with a view to ensuring effective implementation and enforcement of all safeguards and the laws;
- (iii) to undertake a review of the implementation of the policies pursued by the Union and the State Governments with respect to the minorities;
- (iv) to look into specific complaints regarding deprivation of rights and safeguards of the minorities;

-) to conduct studies r search and analysis r
quest on of avoidance of d s c m at on
or e
- v to suggest appropriate legal and welfare measures i
respect of any minority to be undertaken by th
Central or the State Governments;
- (vii) to serve as a national clearing house for information
in respect of the conditions of the minorities; and
- (viii) to make periodical reports, at prescribed intervals
to the Government.

3 After its creation, the Commission had proposed a comple-
tion of 102 posts, including the Chairman and four Members,
for carrying out the functions assigned to it, as indicated in
ANNEXURE-II. Though the proposal was agreed to in principle,
the Government sanctioned only 59 posts.

4. The proposals sent to the Government, time and again
for augmenting staff in the Commission's Secretariat, were not
accepted. Owing to paucity of staff, the Commission has been
constrained to restrict its activities to the processing of grievan-
ces of the minorities and some special studies.

Exercise of Powers

5. The Commission has been repeatedly emphasising the need
for conferring statutory powers upon it. It was suggested that
at last, the powers of investigation contained in Section 5 of
the Commissions of Enquiry Act may be conferred upon it. Gov-
ernment has not yet conveyed any decision on these recommen-
dations. In order to speed up disposal of references from the
Commission, the State Governments and Union Territory
Administrations were requested to designate their senior officers
as Nodal Officers. A list of nominated Nodal Officers is in
ANNEXURE-III

Constitutional Provisions

6. To promote a sense of security, among the minorities, to
provide adequate economic incentives, and to provide adequate
educational facilities, to enable them to obtain employment are
essential if they are to join the mainstream of national life. On

fulfilment of these human needs and removal of any apprehension of discrimination from the minds of members of minority communities depends the attainment of the goal of national integration. An extract of the relevant provisions of the Constitution for religious and linguistic minorities is attached as *ANNEXURE-IV*.

Definition of the term 'Minority'

7. The word 'minority' is not defined in the Constitution. However, based on the various judicial interpretations of the term 'minority', this Commission has been treating Muslims, Christians, Sikhs, Buddhists and Zoroastrians as religious minorities at the national level. In order to be a 'linguistic minority', the community must have a separate spoken language, but not necessarily a separate script.

Statistical data to Religious Minorities based on the 1981 Census

8. The Registrar General of India has recently published figures of population according to religion based on the 1981 Census. An extract from Series-I India, Paper 3 of 1984 entitled "HOUSEHOLD POPULATION BY RELIGION OF HEAD OF HOUSEHOLD" is enclosed as *ANNEXURE-V*. An analytical review of this information is given below :—

9. As per the Census of India 1981, the total population of India, excluding Assam, was 66,52,87,849. The data in respect of the major religious communities in India (excluding those of Assam), is given hereunder :—

TABLE I

Religious Communities	Population	%age to total population	Decadal Growth Rate %age
Hindus	54,97,79,481	82.64	24.15
Muslims	7,55,12,439	11.35	30.59
Christians	1,61,65,447	2.43	16.77
Sikhs	1,30,78,146	1.96	26.15
Buddhists	47,19,796	0.71	22.52
Jains	32,06,038	0.48	23.69

While the decadal growth rate was higher amongst the Muslims followed by the Sikhs and Hindus, it was lowest in the case of the Christians. History reveals that high birth rates mark falling standards of living and that rising economic standards of living are accompanied by falling birth rates. This seems as true of India as it has been in European countries. This co-relationship is a matter of guesswork as the Commission has not carried out a social survey. It would like particularly to examine this question in relation to causative factors.

10. As per the Census of India 1971, the total population of India, including Assam, was 54,79,49,809. The data in respect of the major religious communities is given hereunder :—

TABLE II

Religious Communities	Population	%age to total population	Decadal Growth Rate %age
Hindus	45,32,92,086	82.72	23.69
Muslims	6,14,17,934	11.21	30.85
Christians	1,42,23,382	2.60	32.60
Sikhs	1,03,78,797	1.89	32.28
Buddhists	38,12,325	0.70	17.20
Jains	26,04,646	0.47	28.48

While the decadal growth rate was highest amongst the Christians, followed by the Sikhs and the Muslims, it was lowest in the case of the Buddhists.

Revised Census Figures for 1981

11. Keeping in view these Census figures of 1971 and 1981, an attempt was made to work out the Census figures of Assam for 1981. Assuming a decadal growth rate percentage at 25 per

cent over the Census figures of 1971, the estimated population of Assam and its religious minorities works out as under :—

**Assam and its major religious communities
(Population in 1971 and 1981)**

TABLE III

	1971	1981
	(Actual)	(Estimated)
(A) Assam (Total)	1,46,25,152	1,82,81,440
(B) Religious Communities		
1. Hindus	1,06,04,618	1,32,55,773
2. Muslims	35,92,124	44,90,155
3. Christians	3,81,010	4,76,263
4. Sikhs	11,920	14,900
5. Buddhists	22,565	28,206
6. Jains	12,914	16,143

If the population of Assam and its main religious communities, as worked out above, is added to the total population of the country and to the populations of the respective religious communities, as found in the Census of India 1981, the total population of India works out to 68,35,69,289 in 1981 (which is hereafter called "revised figures") On this basis, the data in respect of the major religious communities in India, including Assam, in 1981 is given hereunder :—

**Major religious communities in India
(Revised figures of population in 1981)**

TABLE IV

Religious Communities	Population	Percentage to total population
Hindus	56,30,35,254	82.37
Muslims	8,00,02,594	11.70
Christians	1,66,41,710	2.43
Sikhs	1,30,93,046	1.92
Buddhists	47,48,002	0.69
Jains	32,22,181	0.47

The revised figures show that there is increase only in the percentages of Muslims and Sikhs in the population of India.

12. An analysis of the major religious minority communities including Parsis, on the basis of the Census of India 1981, is made as hereunder :—

MUSLIMS

13. The Muslims are in majority in Jammu & Kashmir (64.19 per cent) and Union Territory of Lakshadweep (94.84 per cent). They also constitute a significant percentage of population in West Bengal (21.51 per cent), Kerala (21.25 per cent), Uttar Pradesh (15.93 per cent), Bihar (14.13 per cent), and Karnataka (11.05 per cent). Their population as percentage of total population has registered a decline only in the State of Jammu & Kashmir. Population of Muslims in some of the States is given below :—

TABLE V

Uttar Pradesh	1,76,57,735
West Bengal	1,17,43,259
Bihar	98,74,992
Maharashtra	58,05,785
Kerala	54,09,687
Andhra Pradesh	45,33,700
Karnataka	41,04,616
Jammu & Kashmir	38,43,451
Delhi (U.T.)	4,81,802

14. The Christians are in majority in Nagaland (80.21 per cent), Meghalaya (52.62 per cent), and Union Territory of Mizoram (83.81 per cent). They also constitute a significant percentage of population in Kerala (20.56 per cent), Manipur (29.68 per cent), and Union Territories of Andaman & Nicobar Islands (25.58 per cent) and Goa, Daman and Diu (29.28 per cent)

15. Their population percentages have increased over those of 1971 in Manipur, Meghalaya, Nagaland, Orissa, Sikkim, Tamil Nadu, Tripura, West Bengal and Union Territories of Arunachal Pradesh and Chandigarh only. A special feature is the increase in their population percentage from 66.76 per cent (3,44,798) to 80.21 per cent (6,21,590) in Nagaland; from 46.98 per cent (4,75,267) to 52.62 per cent (7,02,854) in Meghalaya; from 26.03 per cent (2,79,243) to 29.68 per cent (4,21,702) in Manipur and from 0.79 per cent (3,684) to 4.32 per cent (27,306) in the Union Territory of Arunachal Pradesh

16. While their percentages to the total State populations in Rajasthan and Uttar Pradesh remained the same as they were in 1971, their percentages to the State/UT population have notably decreased during the decade from 86.08 per cent (2,86,141) to 83.81 per cent (4,13,840) in Mizoram, from 31.77 per cent (2,72,569) to 29.28 per cent (3,18,249) in Goa, Daman and Diu, and from 21.05 per cent (44,94,089) to 20.56 per cent (52,33,865) in Kerala. It is worth noting that in Andhra Pradesh, their percentage to the total State population as well as their actual number has decreased from 4.19 per cent (18,23,436) in 1971 to 2.68 per cent (14,33,327) in 1981.

SIKHS

17. Their percentage to the total State population in Punjab has increased from 60.22 per cent (81,59,972) in 1971 to 60.75 per cent (1,01,99,141) in 1981. During the same period, there is a corresponding decrease in Hindu population in Punjab from 37.54 per cent (50,87,235) to 36.93 per cent (62,00,195). There is a slight increase in their percentage to the State population in Madhya Pradesh and Rajasthan where they now count 1,43,020 (0.27 per cent) and 4,92,818 (1.44 per cent) respectively. However the percentage of the Sikh population has decreased in the following States and Chandigarh as shown hereunder :—

TABLE VI

State/Union Territory	1971	1981
Haryana	6,31,038 (6.29%)	8,02,230 (6.21%)
Chandigarh	65,472 (25.45%)	95,370 (21.11%)
Himachal Pradesh	44,914 (1.30%)	52,209 (1.22%)
Jammu & Kashmir	1,05,873 (2.29%)	1,33,675 (2.23%)
Maharashtra	1,01,762 (0.20%)	1,07,355 (0.17%)
Uttar Pradesh	3,69,672 (0.42%)	4,58,647 (0.41%)
Delhi	2,91,123 (7.16%)	3,93,921 (6.33%)

BUDDHISTS

18. The total Buddhist population in the country has increased from 38,52,377 in 1971 to 47,19,796 in 1981. The population of Buddhists as percentage of the total population of the State concerned has increased slightly in Himachal Pradesh, Arunachal Pradesh and Mizoram, while it has decreased in the States of Jammu and Kashmir, Sikkim and Tripura. This is illustrated by the table given below :—

TABLE VII

Name of the State	1971		1981	
	Total population of Buddhists	%age of total population of State	Total population of Buddhists	%age of total population of State
Maharashtra	32,64,223	6.47	39,46,149	5.28
Jammu & Kashmir	57,956	1.26	69,706	1.17
Sikkim	62,617	29.84	90,848	28.17
Tripura	42,285	2.72	51,806	2.67
Himachal Pradesh	35,937	1.04	52,629	1.23
Arunachal Pradesh	1,02,832	21.99	1,84,732	29.24
Mizoram	21,229	6.39	35,245	7.14

PARSIS

Their total population in India is 71,630 in 1981 as compared to 91,266 in 1971. Out of 71,630, there continued to be more females (36,302) than males (35,328). It is mainly an urban community in as much as only 2,954 are in rural areas. Their The details of these meetings are given in the following Table :—

TABLE VIII

State/Union Territory	1971
1	2
Andhra Pradesh	432
Bihar	219
Gujarat	11,732
Haryana	5
Himachal Pradesh	11
Karnataka	547
Kerala	24
Madhya Pradesh	255
Maharashtra	56,866

1	
Orissa	2
Punjab	4
Rajasthan	4
Sikkim	171
Tamil Nadu	40
Uttar Pradesh	207
West Bengal	36
Chandigarh	511
Delhi	3
Goa, Daman & Diu	372
Dadra & Nagar Haveli	142
Mizoram	26
Total	3
	71,630

CHAPTER II

ACTIVITIES OF THE COMMISSION

2.1 During the period under report, the Commission held 10 Monthly Meetings and considered a total number of 157 Items relating to various matters concerning the minority communities. The details of these meetings are given in the following Table :—

Sl. No.	No. of the Meeting	Date of the Meeting	No. of items considered
1.	76	30-4-1984	12
2.	77	23-5-1984	13
3.	78	20-6-1984	15
4.	79	27-7-1984	11
5.	80	22-8-1984	15
6.	81	23-10-1984	17
7.	82	16-11-1984	13
8.	83	21-12-1984	21
9.	84	4-2-1985	15
10.	85	4-3-1985	21
TOTAL :			157

2.2 The Commission also held a few Special Meetings, the details of which are given below :—

- (i) Meeting held on 20-7-1984 for considering the draft Fifth Annual Report of the Commission for the year 1982-83.
- (ii) Meeting held on 25-10-1984 for finalising the Fifth Annual Report of the Commission.

- (iii) Meeting held on 9-11-1984 for condoling the gruesome assassination of the late Prime Minister, Smt Indira Gandhi and for considering the consequential situation relating to riots in Delhi and other parts of the country.
- (iv) Meeting held on 6-2-1985 to consider the proposal for assignment of the study of weavers' problems to Shri S. M. Taj, Executive Director, Moeen Organisation for Economic and Environmental Nurture, New Delhi.

2.3 The Chairman and Members participated in some of the important conferences/conventions held by various organisations interested in the welfare of the minorities, safeguarding their interests, and promoting the cause of national integration. They also visited some of the States to obtain first-hand knowledge of problems of minorities, to discuss and to resolve their problems and grievances with State Governments and the concerned authorities.

2.4 The Commission initiated some studies of certain specific problems concerning the minorities with a view to keep abreast with the social, educational, cultural, and economic developments of minorities in different walks of life and in different parts of the country and to suggest remedial measures to the Government.

2.5 The Commission looked into the representations, complaints, and petitions received from individuals and organisations belonging to minority communities alleging discrimination, injustice, harassment, victimization, deprivation of rights and safeguards. Occasionally, the Commission heard the complainants and aggrieved parties in person also. In cases where it was considered that a representation or complaint *prima facie* merited investigation, the matter was taken up with the concerned authorities for furnishing their reports/comments and for redressing the grievances expeditiously.

2.6 Studies initiated by the Commission, visits undertaken by the Commission, action taken on grievances of the minorities and its future plan of work have been dealt with at length in the

succeeding Chapters. However, a summary of some of the important activities of the Commission is given below —

Submission of Annual Reports

2.7 The Commission presented its Fifth Annual Report for the period from 1st April, 1982 to 31st March, 1983, to the Union Home Minister on the 7th February, 1985, for its submission to the President of India in accordance with Para 7 of the Government of India Resolution constituting the Commission (*ANNEXURE I*). The Report was sent to the Government of India Press for getting it printed on a high priority basis. Printed copies of the Report were furnished to the Ministry on 24-1-1986 for being laid before the Parliament.

2.8 The Sixth Annual Report of the Commission for the period from 1st April, 1983 to 31st March, 1984, has been signed and is expected to be furnished to the Central Government shortly.

2.9 The Commission thinks that there has been unexplained delay in placing the Annual Reports of the Commission before Parliament and in their publication. These could be minimised if the Hindi translation of the Report could be made available to the Commission within a reasonable time and the printing of the Report is also accorded high priority by the Government Press.

Demand of the Jain Community for their representation on the Central and the State Minorities' Commissions

2.10 The Minorities' Commission received a representation from the Bihar State Digambar Jain Teerath Khetra Committee, Arrah, regarding inclusion of representatives of the Jain community in the Central and State Minorities' Commissions. Their demand was based mainly on the ground that the Jain Community had a distinct cultural heritage and religious identity. They alleged lack of a forum to draw attention to the effects of schemes and programmes of Governments on their religious, educational and cultural affairs. A feeling of inferiority and insecurity in the Jain minority community was an alleged result.

2.11 The Commission heard the views of representatives of both the Jains and Hindus at a meeting held in the office of the Commission on 28th August, 1984. The Commission came to the conclusion that the demand of the Jain community to give

a representation on the Central and State Minorities' Commissions was beyond the power of the Commission. The Commission could make recommendations to the Government of India on matters relating to alleged discrimination against minority communities. The representatives of the Jain community were accordingly advised to furnish the details of Jain institutions which have been denied recognition and also a list of cases of alleged discrimination against the Jain community. The above details have not yet been received from the representatives of the Jain community.

Recognition of minority institutions in Uttar Pradesh.

2.12 The Commission had received several representations complaining that the Government of Uttar Pradesh was not communicating the grounds for turning down the applications for recognition of the minority educational institutions and that there was no representative of the Muslims or any other minority community on the Committee set up by the State Government for recognition of educational institutions of minorities. The matter had been taken up with the Chief Secretary and Education Secretary of the State. The State Government has now decided that the reasons for turning down an application for recognition of a minority institution will be communicated to the minority organisation concerned. However, despite the Commission's endorsement, the State Government has so far not acceded to the second demand for giving representation to minorities on the Committee dealing with recognition of minority institutions.

Rules and Regulations for determining the framework of minority schools

2.13 The Union Education Ministry informed this Commission that they had received a query from the Uttar Pradesh Government whether any rules/regulations had been framed by the Government of India to determine the framework of minority schools. The Ministry requested the Commission to give its views in the matter. The Commission felt that the matter needs to be studied further. In this connection, it may be mentioned that the Commission had previously decided to formulate uniform criteria and procedure for the recognition of minority educational institutions throughout the country. A letter was written to all the States and Union Territories in 1982 requesting them to furnish copies of the relevant rules, orders and guidelines issued for the recognition of minority institutions. So far, replies have been received only from about 50% of the States

and Union Territories. The States/UTs, from whom recognition is still awaited, have been reminded again.

2.13.2 Meanwhile, the information, already received, is being examined from the following angles :—

- (a) Whether the procedure prescribed for recognition is cumbersome and warrants simplification,
- (b) Whether the decision-taking levels for recognition and de-recognition were sufficiently high and broad-based;
- (c) Whether the bases for denying recognition are justifiable;
- (d) Whether the rules reveal any unjustified interference by Governments/Universities on any unjustifiable plea of mal-administration or due to excessively rigid insistence on observance of rules and regulations, and whether there is scope for relaxation in favour of the minority communities; and
- (e) Whether there is denial of adequate opportunity to the managements of minority institutions to rectify the shortcoming.

The Commission will formulate its views on the subject after collecting full information and completing its analysis.

2.14 Article 30 of the Constitution guarantees the right of minorities to establish and administer educational institutions. Clause (1) of this Article lays down that all minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice. Clause (2) of the aforesaid Article provides that the State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

2.15 The word 'establish' means to bring into existence an educational institution, while the word 'administer' means the right to manage and conduct the affairs of the institution. Under Article 30, the right to administer can arise only in respect of an institution which has been established by a minority community.

2.16 The Article 30 of the Constitution does not expressly lay down any limitation upon the right of a minority to administer its educational institutions. It is, however, evident that the right to administer cannot include the right to mal-administer. Hence, under the guise of exclusive right to manage a minority institution, the management cannot be allowed to cause a decline in the standards of excellence expected of educational institutions or to resist regulations which are conducive to maintain such standards. In other words, the rights conferred by Article 30 are subject to reasonable regulations which ensure that these institutions continue to confer educational benefits on the minority community concerned and consistent with national interest, such as—

- (a) to maintain the educational character and standards of such institutions, e.g., to lay down qualifications of service to secure appointment of good teachers to maintain a fair standard of teaching and to protect, promote interests of the student community;
- (b) to ensure orderly, efficient, and sound administration and to prevent mal-administration;
- (c) to ensure that its funds are spent for the betterment of education and not for extraneous purposes;
- (d) to prevent anti-national activity; and
- (e) to enforce general law of the land applicable to all persons, e.g., taxation, sanitation, social welfare, economic regulations, public order, morality, etc.

Conference of Chairmen of Central and State Minorities' Commissions

2.17 A copy of the minutes of the first Conference of the Chairmen of Central and State Minorities' Commissions held on 15th January, 1984, has been incorporated as *ANNEXURE XI* in the Sixth Annual Report of the Commission. Copies of the Resolutions of this Conference were sent to the Ministry of Home Affairs and all the State Governments/Union Territories

for appropriate action. Replies so far received from the various States Union Territories are summarised below :—

STATES

1. Karnataka Necessary action has been taken on the Resolutions
2. Bihar The State Government has agreed to exchange Reports of Central and State Minorities' Commissions and to implement the guidelines issued by the late Prime Minister in respect of minorities.
3. Nagaland The population of linguistic or religious minorities in that State is negligible
4. Orissa There is no State Minorities' Commission in the State. However, the guidelines issued by the Minorities' Commission, from time to time, are taken note of and appropriate instructions are issued to subordinate authorities.
5. Tamil Nadu There is no Minorities' Commission functioning in this State. However, a separate Section under the control of Commissioner and Secretary to Government, Social Welfare Department, looks after the grievances of linguistic and religious minorities in the State. As regards implementation of the Prime Minister's 15-Point Directive, quarterly reports are being sent to the Government of India.
6. Himachal Pradesh There is no Minorities' Commission in the State.
7. Punjab Minorities' Commission has not yet been set up in the State. The Punjab Government is sending quarterly reports to the Government of India regarding implementation of the 15-Point Guidelines issued by the Prime Minister.

UNION TERRITORIES

- | | |
|----------------|--|
| 2. Pondicherry | The contents of the Resolution adopted by the Conference have been noted for future reference. |
| 3. Chandigarh | There is no Minorities' Commission in this Union Territory. However, the guidelines issued by the Prime Minister are being implemented. |
| 4. Mizoram | There is no Minorities' Commission in Mizoram. However, the report regarding implementation of the 15-Point Programme of the Prime Minister is being submitted regularly to the Union Home Ministry. |

2.18 The Commission has decided to hold the Second Conference of the Chairmen/Members of the State Minorities' Commissions. The exact date of the proposed conference is yet to be finalised.

Embossing of National/State Emblems on text-books

2.19 The Commission endorsed a proposal to emboss National/State Emblems on text-books with a view to promote national integration. All the State Governments/UT Administrations were requested to consider the possibility for its implementation. Replies have since been received from 12 States/Union Territories, which are summarised at ANNEXURE VI.

Placing of the Fourth Annual Report of the Commission on the Table of Lok Sabha and Rajya Sabha

2.20 The Fourth Annual Report of the Commission was laid by the Ministry of Home Affairs on the Tables of Lok Sabha and the Rajya Sabha on the 9th and 10th May, 1984, respectively. While placing the Report before the Parliament, the Ministry also submitted a statement showing the comments of the Central Government on various recommendations contained in the Report. A copy of this statement is reproduced at ANNEXURE VII. The Commission noted the comments given by the Government which, *inter alia*, stated that—

- (a) the Ministry of Home Affairs has impressed on the State Governments and UT Administrations and others concerned to extend their fullest cooperation

and assistance to the Commission in the discharge of its functions. However, various aspects of the matter regarding the grant of statutory recognition to the Minorities' Commission are under consideration of the Government;

- (b) The Minister of Planning had written to all State Ministers to give representation to the minorities in the implementation and monitoring committees set up for the 20-Point Programme, so that the minorities secure, in a fair and adequate measure, the benefits flowing therefrom;
- (c) The State Governments were advised to note the Commission's suggestion for establishing a Minorities' Commission or Panel for each State to look into specific grievances of members of minority communities;
- (d) The Government has been consulting the Minorities Commission on various issues from time to time, the code of conduct for political parties for promoting national integration, criteria evolved by the Mandal Commission for identification of backward classes, including backward classes among the minority communities;
- (e) The Government has set up a Minority Cell in the Ministry of Home Affairs to deal with matters relating to minorities on a continuous basis and has constituted a Committee headed by the Home Minister to go into the grievances of the minority communities;
- (f) The Government of India keeps in touch with the State Governments and provides necessary assistance to them for combating communalism. Guidelines regarding measures to control communal disturbances and to maintain communal harmony have been issued to them from time to time.
- (g) A decision on the suggestion of the Commission for setting up of a National Integration-cum-Human Rights Commission will have to await the further study contemplated by the Commission on this issue.

2.21 The Chairman took up with the Planning Commission the question of earmarking Plan funds and framing of schemes for uplift of backward sections of the minority communities in consultation with the Minorities' Commission. The Planning Minister, however, replied that the Minorities' Commissions' suggestions could result in fragmentation of Plan funds. If the demand is raised for apportionment of Plan resources by one minority community, it is likely to be followed by other minority communities; and, it might become difficult to draw a line. While appreciating the difficulties pointed out by the Planning Minister, the Chairman suggested that they could meet and find out some way of making special provision to bring the weaker sections among minorities at par with their fellow countrymen.

Visit of the Chairman to the Dargah Khwaja Sahib at Ajmer

2.22 The Chairman, accompanied by the Deputy Secretary, visited the Dargah Khwaja Sahib at Ajmer on 8-2-1985. The Chairman had a discussion with Shri M. A. Khan, a retired Brigadier, who has been appointed as a Nazim by the Central Government. The Chairman of the Dargah Committee also happened to be present. The copies of the bye-laws and also a few reports were made available by him. The Counsel of Dargah referred to the case pending before the Supreme Court over the appointment of the Sajjadanashin of the Dargah. A preliminary report relating to the affairs of the Dargah, problems faced by its administration, has been placed before the Commission and is under its consideration. The final views of the Commission will be formulated after ascertaining the amendments to the said Act proposed by the Dargah Committee.

Progress Report of the Gujarat Minorities' Board for the year 1983-84

2.23 The Commission received the report of the Gujarat Minorities' Board for the year 1983-84. Under the schemes of the Gujarat Minorities' Board, families from minorities living below the poverty line are getting financial assistance from the State Government in the fields of education, housing and economic activities. The Commission noted with appreciation the good work done by the Gujarat Minorities' Board and decided that the report may be sent to all the Nodal Officers of the State Governments and Secretaries of other Minorities' Commissions in the country.

Study regarding educational backwardness among the minorities

224 There is a general feeling that a substantial section among the minorities in the country, especially the Muslims, are backward owing to inadequacy of educational facilities for them. The Commission has, therefore, decided to examine this issue thoroughly on the basis of the factual position in regard to the provision of educational facilities for them and the extent to which these facilities are actually availed of by them. For this purpose, proformae have been prepared to elicit information regarding the types of schools, number of school-going children, number of students who appeared in examinations and number of the students who have passed at various levels from primary to college education, including the technical institutions, district-wise, in various States. All the State Governments have been requested to furnish the requisite information in the prescribed form. The information has been received from a few States and the remaining States are being reminded.

CHAPTER III

STUDIES UNDERTAKEN BY THE COMMISSION AND ITS FUTURE PLAN OF WORK

3.1 One of the important functions assigned to the Minorities' Commission, under the Government Resolution constituting it, relates to conduct of studies, research and analyses on the question of avoidance of discrimination against minorities. It has been the constant endeavour of the Commission to devote maximum possible attention to the study of the problems of the minorities. The Commission has identified quite a few issues affecting minority communities which would seem to merit in-depth study. Some of these are listed below :—

- (1) Preparation of demographic profiles of minority communities.
- (2) Survey of socio-economic conditions of minorities in selected areas.
- (3) Study of reports/recommendations on communal riots since 1947—guidelines for dealing with communal tensions and disturbances.
- (4) Survey of socio-economic conditions of Scheduled Caste converts to Christianity, Islam and Buddhism and study of implications of withdrawal of privileges consequent on their conversion.
- (5) Study of Court judgments to assess the adequacy of safeguards to minorities and consequential action by the Government.
- (6) Minority institutions and their independence.
- (7) Study of educational problems of Muslims and other minority communities.
- (8) Attitudes of minorities, especially Muslims, towards work, eagerness, enthusiasm and preparation for getting government jobs. Modification needed in the present set-up of the educational system in the light

of the problems of Muslims, Sikhs, and other minorities.

- (9) Problems relating to admission of minority students in educational and professional institutions.
- (10) Role of media in relation to communal riots
- (11) In-depth study of socio-economic conditions of selected high tension areas.
- (12) Minorities and educational system with reference to text-books and syllabi, keeping in view the needs of the coming generation.
- (13) Study of law relating to religious processions.
- (14) Study of law relating to disputed property belonging to minority institutions/organisations.
- (15) Electoral behaviour of minority communities.
- (16) To study the measures taken by some of the advanced countries like USA, USSR., Yugoslavia, etc. to overcome the problems of their minority communities and bringing about their national integration and suitability of those measures for adoption in India.
- (17) Study of working of laws relating to administration of charitable endowments or trusts amongst different religious minorities.
- (18) To study the Personal Laws governing members of minority communities and bringing about any possible improvements or reforms.
- (19) To study methods for promoting understanding between communities and bringing about a secular outlook and national integration through legal, administrative and constitutional measures.
- (20) To evolve formulae for economic, social, educational and cultural upliftment of minority communities.

3.2 Many of the proposed studies are of a highly specialised nature so that they can only be undertaken by it if it had qualified persons to send out and do field work. These can, however, be entrusted to outside specialised agencies and professionals/professional bodies. The Commission has standardized

procedure for entrusting such studies to Consultants. But, this procedure of vicarious investigations did not yield satisfying results whenever it was resorted to.

3.5 At present, the financial power of the Commission for entrusting the studies to outside agencies is restricted upto Rs. 10,000 in cases of individual consultants and upto Rs. 25,000 in cases of institutions for each study. However, it has been experienced that competent consultants and institutions are reluctant to work on such low honorariums. In the circumstances it has become necessary to review the financial limits mentioned above and to suitably enhance them.

3.6 The Commission had made certain recommendations on the demand of a section of Parsis for exclusion of Parsis from the purview of Adoption of Children Bill, 1980. The Commission's opinion was also sought by the Government on the question whether, in view of the demands from certain sections of Parsis, this community should be excluded from the purview of the Bill. After a thorough examination of the entire question the Commission came to the conclusion that it would not be constitutional to exclude Parsis or Muslims, or, for that matter, any community, as a whole, from the purview of the Bill. The Commission, therefore, recommended the substitution of Clause (1) of the Bill as under :—

“3(1) No adoption order shall be made unless the adopting parent and the child to be adopted or, in the case of a minor, his or her guardian, makes a declaration in writing in prescribed form that there is no religious prohibition against adoption accepted as binding upon him or her by the declarant.”

3.5 Subsequently, there was some criticism of the recommendations made by the Commission. Application of the Adoption Bill to the Muslims was opposed on the ground that it conflicted with Quranic injunctions and directives of the Prophet and the Muslim Personal Law. The Commission could not accept this view as correct. The Chairman prepared a note wherein it was clarified that the Commission had only interpreted the Law of the Constitution and did not attempt any religious or theological interpretations. A copy of an article of Shri Rizvi and the Chairman's note are at ANNEXURES VIII & IX, respectively. These were considered by the Commission. It was resolved that relevant information regarding law of adoption governing Muslims residing permanently in Tunisia, Malaysia, and Turkey

may be obtained from the Embassies concerned. The replies received from them may be seen at ANNEXURES X, XI & XII. It could not accept the view that, if there was a real conflict with direct Quramic prohibitions, these countries could possibly authorise adoptions, as they did.

3.6 Turks had a secular and not a religious code. It provided for adoption. As regards Tunisia, adoption is permitted under various articles of Section III (Adoption) Law No. 57-27 of March, 1958. In Malaysia, adoption is governed under Act 253 Registration of Adoption Act 1952 (Revised 1981). It has been stated that the authorities proposed to amend this Act according to the Malaysian Islamic Law.

3.7 The Commission noted that citizens of Turkey, Tunisia, Malaysia with predominant Muslim populations have the option to adopt a child in accordance with the provisions of a law enacted for that purpose.

II. STUDY OF PERSONAL LAWS OF VARIOUS MINORITY COMMUNITIES

3.8 As stated in its Fifth Annual Report, the Commission had decided to study the Personal Laws governing members of minority communities, so as to determine whether Article 44 of the Constitution comes into conflict with the religious tenets of Islam, Sikhism, Christianity, Buddhism, and Zoroastrianism and whether this Article needed any amendments. Accordingly, it was contemplated that each Member of the Commission will prepare a note on the Personal Laws relating to his respective community.

3.9 The Chairman's note on Muslim Laws and jurisprudence has been incorporated in the Fifth Annual Report. Notes were prepared by Members Ven. Kushok G Bakula and Shrimati Annie Thayil on Personal Laws relating to the Buddhists and the Christians, vide ANNEXURES XIII and XIV. The Member, Ven. Kushok G Bakula has further clarified that Personal Laws of the Buddhists have not been codified. It was envisaged that the Member, Shrimati Thayil would further study the Indian Divorce Act 1869 and the recommendations of the Law Commission on this Act and thereafter give her report to the Commission.

3.10 As regards Zoroastrians, Member Shri N.F. Suneor has stated that he had examined and studied the Personal Laws of the Zoroastrians (Parsis) which deal with marriage, divorce and inheritance. There are no major issues outstanding which need any particular attention. Regarding the study of Personal Laws of Sikhs, Member Gyani Surjan Singh observed that he was studying a copy of the Personal Laws of Sikhs which was reportedly under consideration of the Shiromani Gurdwara Prabandhak Committee. He was trying to collect some more material about Personal Laws of Sikhs and would be submitting his report after completing the study.

3.11 It may be observed here that under our Constitution, the term 'Hindu' includes Sikhs, Jains and Buddhists. Hence, the benefits of statutory provisions of Hindu Law are available to them. In fact, they are treated as "Hindus" as defined by relevant statutes dealing with Hindu Personal Laws.

3.12 It should also be noted that Muslim Personal Law is administered by 'secular' Courts, presided over by Judges whose personal religion is immaterial as far as their qualification to administer this law, by virtue of an Act of Parliament, the Shariat Act 1937, is concerned. It will be noticed that this small area, covering marriage and inheritance and a few other matters of special application to Muslims, leaves out large areas of their lives and activities to which general, common, statutory laws apply, such as the Evidence Act, the Contract Act, the Transfer of Property Act (barring a few matters), The Easements' Act, The Companies Act, the Indian Penal Code, the C.P. Code, almost all the provisions of the Cr. P. Code and multifarious Central and Local enactments. A good case of reasonable classification can be made out to leave this small area untouched by legislation, although there is no legal bar, in the opinion of the Commission, to dealing with the subjects by statute if and when the majority of Muslims want it done.

3.13 It must not be forgotten that it is a statute which applies this special law to a special sphere—that of personal laws—of the lives of Indian citizens who profess Muslim religion and are governed by Muslim Law in these special areas only. In all other respects, including principles of appraisement of evidence found in the Indian Evidence Act and the jurisdictions of courts, the general laws apply.

3.14 The Commission does not see the need to touch this special sphere apart from many recommendations which may be made by this Commission to do so. This advice is in keeping with its previous opinions and advice.

3.15 It may be mentioned here that all the opinions, past and present, on the application of Muslim Personal Laws in our courts to Muslims in some spheres have been put to and explained to the office bearers of Muslim Personal Law Board. They have not objected. The aberrant views of those who object to the present system will, this Commission thinks, deprive Muslims of the provisions of their Shariat in some areas. Hence, the present Central Government seems rightly to favour a retention of special fields of law as administered today.

III. STUDY OF SOCIOLOGICAL ECONOMICAL AND CULTURAL ENVIRONMENT OF RELIGIOUS MINORITIES IN INDIA

3.16 It is generally assumed that the various minorities are heterogeneous groups having the same cultural and sociological backgrounds throughout India. This is not true. For instance, a Christian family living in Kerala is likely to have greater ethnic, social and cultural affinity to the Keralites living in that State, professing non-Christian religions, as compared to the Christians living in Mizoram. The same can be said of the most other minority groups.

3.17 Member Shri N. F. Suntook has suggested, in a note, that, in order to have greater understanding of the problems of religious minorities, the Commission might undertake a study of the historical backgrounds, the sociological and cultural conditions of the various minority communities and their links with other religious groups in their own regions with the same ethnic origin.

3.18 The Commission accepted in principle the suggestion of Member Shri N. F. Suntook regarding setting up of Cells to study the sociological, economic and cultural conditions of the various minority communities. Efforts are being made to create such a Cell within the Commission.

IV. CONSENSUS ON CERTAIN BASIC CONSTITUTIONAL IMPERATIVES

2.19 At the last meeting of the National Integration Council, of which the Chairman, Mr. Justice M.H. Beg is a Member, the late Prime Minister mentioned the desirability of a consensus on certain basic constitutional imperatives for countering activities of disruptive elements operating in the country. Shri P. C. Sethi, the then Home Minister, mentioned certain directives which had been issued to all the Chief Ministers of States by the late Prime Minister with the object of improving the lot of minorities.

2.20 The Chairman of the Minorities' Commission, Mr. Justice M. H. Beg wrote to all the Chief Ministers of the States and Lt. Governors of Union Territories reiterating the above mentioned directives and seeking information on whether they agreed to a statement of principles of suggested action. The following six basic principles were suggested for a possible consensus which may be acceptable to all the Political Parties :—

- (1) That, the Constitution of India rightly requires separation of religion from political and other secular activities as laid down by the Supreme Court of India in *Z. B. Bukhari vs. B. R. Mehra Case* (SC Vol. II 1976 p. 17).
- (2) That, exploitation of considerations of religion or caste or region purely for securing victories in elections or discriminatory treatment for other non-religious purposes, such as, securing appointments or economic advantages or preference, divorced from merit, must be punished and not rewarded.
- (3) That, all political, economic, and other secular demands can only be properly made by secular parties.
- (4) That, duties of Indian citizens, laid down in Part IV A of the Constitution, must be enforced by making laws as well as formulating rules of ethics enforceable through appropriate sanctions operating against departures from the Constitutional mandates.

- (5) That, all that conflicts with the unity, integrity, or security of the country as a whole must not only be disapproved of but punished by making appropriate laws which must be enforced strictly.
- (6) That, in particular, attempts to secure acceptance of any demands by using non-constitutional or violent or terroristic methods must not only be promptly and unequivocally condemned by all political parties and their members but punished severely by making suitable laws which must be enforced. Such methods have no place in any civilised society and can have no excuse whatsoever under a democratic system.

3.21 Replies from various States//Union Territories have been received. Practically all the States/Union Territories which have replied, have welcomed the suggestions in the Six-Point Statement of Principles and implementation of the directives of the Prime Minister, to improve the lot of minorities. The summary of replies received so far from the Chief Ministers/Lt. Governors of Union Territories, are enclosed at ANNEXURE-XV. Replies from other States/Union Territories are awaited.

V. SAMPLE STUDY OF MINORITIES' PROBLEMS

3.22 Numerous complaints/grievances have been received by the Commission concerning problems relating to house grabbing, forcible occupation of houses and lands etc of the minority communities. The problems sent to the Commission were varied in nature and concerned different States/Union Territories. The Commission resolved to conduct a study of the problems of minorities of one particular region, preferably of a city, which could serve as a sample. It was decided to sponsor a project which envisaged a sample study of the problems of the minorities living at Allahabad city covering three important aspects, viz

- (i) Inter-communal relationships,
- (ii) Economic problems, and
- (iii) Educational problems.

3.23 *Inter-communal relationships*

Allahabad city has a fairly good population of Muslims. There are some Christians and Sikhs also. While normally the different communities have enjoyed harmonious relationships, riots between the Hindus and Muslims have occasionally broken out. The purpose of this study is to analyse in-depth the immediate and underlying causes of such communal riots. Information relating to the inter-communal relationships is to be gathered in the form of questionnaire specially prepared. The answers to these will have to be analysed to reach appropriate conclusions.

3.24 *Economic Problems*

It is proposed to collect detailed information relating to the economic activities of the minorities, including manufacture of metal boxes, almuahs and 'bidis' and their representation and status in various professions such as law, medicine, teaching and government service. The study will, in particular, examine whether the minorities have taken advantage of the various schemes of the Government of India/State Government specially formulated for the benefit of backward classes/weaker sections of the society.

3.25 *Educational Problems*

The study may cover the spread of modern education and technology among the minorities, particularly the Muslims, who are reported to be educationally backward. A special study may be made on drop-outs from the schools and generally poor results at examinations taken by students belonging to minorities. There are number of Muslim and Christian managed schools at Allahabad. This study will cover the problems faced by such minority institutions. Information relating to the educational problems may be gathered on the basis of the questionnaire specially prepared.

3.26 *Justification and advantages for the proposed project study at Allahabad*

There are several reasons for choosing Allahabad for taking up the study of the problems of the minorities there, which are summarised below :—

(1) Allahabad is a very suitable place for examining the effects of various ideological conflicts which affect minorities, as

it is said to be politically very conscious and educationally and intellectually advanced.

(2) This city has fairly good populations of two of the large religious minorities along with others. Christians have several educational institutions and trusts at Allahabad. It has also some Muslim families who have progressed and made headway both intellectually and economically. It provides a good subject-matter for a study of reasons for any discouragement and discrimination against members of minorities, as well as of factors which operate to encourage them and enable them to succeed in life.

(3) It offers scope to make a comparative study of the effects of socio-economic and cultural changes during the last 35 years on the lives of minorities as well as an assessment of a majority community living in this city.

(4) Recently, several complaints have been received of land and property grabbing, particularly those belonging to members of minority communities. Instances of this can be found in Trust properties of Christians in Murabad as well as properties of individual members of minority communities. Allegations of grabbing of Murabad properties exist against (i) non-Christians; (ii) Christians who are beneficiaries of the Murabad Trust but have grabbed illegally Trust properties; (iii) offenders are a special class of professional grabbers who are said to maintain gangs of goondas or ruffians to help them in grabbing properties. It is necessary to study the factors giving rise to this trend and what encourages it as well as to suggest possible remedial measures.

(5) The office of Commissioner for Linguistic Minorities, which works under the supervision of the Minorities' Commission, is situated at Allahabad. The Minorities' Commission can take full advantage by getting useful information through it. Its staff can also be utilised for work on common problems of both linguistic and religious minorities.

3.27 The Commission deputed Shri N. C. Saxena, IAS, Joint Secretary and Shri W. Hasan, IRS, Deputy Secretary, to the Commission to carry out the project. An advertisement was also released by the Commission in the daily papers published from Allahabad city stating that "Minorities' Commission, New Delhi, proposes to conduct a sample study of the problems of the

minority communities of Allahabad city, particularly relating to inter-communal relations and the economic and educational problems. Persons/organisations interested in the subject were requested to submit their views to the Commission".

3.28 No positive views were, however, received by the Commission in response to the advertisement through the press. Shri S. K. Jha, Joint Secretary of the Commission was deputed to Allahabad from 27th to 29th August, 1984. His report may be seen at *ANNEXURE XVI*. He has suggested that the Project Study of the Allahabad city could be more economically and better conducted by some individual or organisation belonging to minorities themselves. The Commission fully endorsed this suggestion.

3.29 Dr. M. Zahoor (Retd. IAS), Director, Administration, Research and Consultancy Services, Allahabad, submitted an outline of the Project for the study of social, economic, educational, and allied matters relating to the minorities at the city of Allahabad. The matter is under active consideration of the Commission.

3.30 The minutes of the Chairman's conference with Dr. M. Zahoor and Dr. Zonathan T. Masih, Expert on Christian Educational Institutions and Professor in William Hollard University College of Allahabad University on November 22, 1984 and his subsequent meeting with Dr. M. Zahoor on November 23, 1984, are enclosed at *ANNEXURE XVII*.

3.31 *Proposal for studying the problems of weavers*

The question of studying the socio-economic conditions of the weavers, bulk of whom belong to the minority communities, has been engaging the attention of the Commission. In this connection, Shri S. M. Taj, Executive Director, Moven Organisation for Economic and Environmental Nurture, New Delhi, met the Chairman and Members of the Commission on 6th February, 1985. He submitted a Paper entitled "Development Plan for Weavers Community—a Proposal", a copy of which is enclosed at *ANNEXURE XVIII*.

3.32 The items for study proposed by Shri Taj were as follows :—

- (1) To examine the present socio-economic conditions of the Weavers' Community;

- (2) To understand the problems of Weavers' Community in the context of their occupation;
- (3) To study various incentives given by the Government to the community; and
- (4) To suggest remedial measures to overcome their problems and subsequently their socio-economic development.

3.33 Shri Taj indicated that he would charge Rs. 25,000 for undertaking the study and preparation of "Development Plan" for weavers. In addition, he asked for additional expenses for visiting the various States. As the financial powers of the Commission for entrusting studies are up to Rs. 25,000 in the case of institutions, the amount demanded by Shri Taj was beyond the financial competence of the Commission. However, it was decided, during the discussion with Shri Taj, to elicit the following information from him :—

- (a) List of the panelists of his organisation and their disciplines;
- (b) Studies already entrusted to the organisation and the names of the department/organisation who have commissioned these studies; and
- (c) Charter, along with aims and objects of the organisation.

Shri Taj was addressed in the matter accordingly, but despite reminders, there has been no response from him.

3.34 *Amendment to the Central Waqf Act, 1954*

Based on a study undertaken by the Chairman, the Commission had recommended speedy legislation so that all pending cases relating to Waqfs may be transferred to Special Tribunals with exclusive jurisdiction to try Waqf cases. The Commission had also favoured a single Act governing all Muslim Waqfs throughout the country. It did not consider it necessary to set up an All-India Service of Waqf Officers. The Commission had felt that its recommendations had not only the support of Muslim juristic opinion but also of Muslim public opinion.

3.35 It is gratifying to note that most of the recommendations made by the Commission have found acceptance in the amended

Central Waqf Act, 1984. Some of the important recommendations accepted relate to (1) uniform legislation on Muslim Waqfs, (2) statutory control over all Waqfs, (3) continuance of Central Waqf Council, (4) appointment of receivers for Waqf properties and (5) constitution of a Waqf Tribunal.

3.36 According to a study undertaken by Shri Qazi Mukhtar Ahmad, Secretary of the Commission, vide his note incorporated as *ANNEXURE XIX*, the amended Act should, on the whole, be welcomed as it is bound to go a long way in the preservation, maintenance, and expansion of the Waqf properties in the country.

3.37 The Chairman has given his preliminary views which are contained in the note placed at *ANNEXURE XX*. His note contains the following suggestions :—

- (1) Instead of amending the Act, a new Waqf Act, should be drafted which should be free from ambiguity, and powers of the Waqf Commissioner should be clearly specified.
- (2) A Special Waqf Tribunal or Court should not only be created but an appellate jurisdiction, as indicated by this Commission, may be needed.
- (3) An additional provision should be made for reframing of the Waqfs which have become difficult to operate as already recommended by this Commission. To enable this to be done, application of the British doctrine of uncertainty as contained in *Morice vs. Bishop of Durban*, will have to be considerably modified as it does not according to the Chairman, contain the conceptions accepted as correct by the Muslim Shariat which should be applied here.
- (4) Due provision should be made for ensuring the application of Waqf funds to beneficial charitable purposes in cases where this power is to be exercised directly by the Waqf Commissioner.
- (5) The qualifications of the Waqf Commissioner should be so amended so as to include retired officer with adequate knowledge and competence.

Considering the importance of the issue, the Chairman is, however, contemplating a further study before giving his final views in the matter.

CHAPTER IV

VISITS OF MINORITIES' COMMISSION TO VARIOUS STATES

General

4.1 The Commission has been assigned the following main functions :—

- (a) to evaluate implementation of various constitutional and legal safeguards provided for minorities;
- (b) to study and to carry out researches into problems of religious or linguistic minorities with a view to formulating appropriate recommendations for the amelioration of economic, social, political, legal and educational conditions of these minorities for the Government to consider and adopt;
- (c) to look into complaints regarding deprivation of rights and alleged discrimination; and
- (d) to serve as a national clearing house for information regarding the condition of minorities.

Thus, by the very nature of its work, the Commission is required to maintain close contact with public leaders, particularly from the minorities, and the State Governments. The Chairman and Members of the Commission visited several States, both individually and jointly, to acquaint themselves with the local problems and socio-economic conditions of minority communities in different parts of the country. The Commission also deputed its officers to different places for this purpose, whenever necessary. The details of such visits, during the period under report, are given in this Chapter.

I THE CHAIRMAN'S VISIT TO HYDERABAD ACCOMPANIED BY SECRETARY TO THE COMMISSION ON 6TH APRIL, 1984

4.2 The Chairman and the Secretary attended a meeting of the Minorities' Commission of Andhra Pradesh. The Chairman also addressed a conference on National Integration and actively participated in its deliberations. Copies of two Papers written by him are enclosed at ANNEXURES XXI & XXII. He dealt with varieties of integration as socio-economic and political phenomena and their legal forms and with corresponding institutional set ups as found in USA, USSR, and in India. He emphasized the need for national integration as a constitutional imperative through methods contemplated by our Constitution. He explained the meaning of Article 51A of the Constitution which expressly laid down citizen's duties affecting, inter alia, welfare of minorities. The minorities too had their obligations.

4.3 The Secretary, Minorities' Commission, met the Chief Secretary and other officials of the Andhra Pradesh Government, including the Secretary of Andhra Pradesh Minorities' Commission. The following points emerged from their discussions :—

- (a) The Secretary of the State Minorities' Commission has been appointed as a Nodal Officer to implement the 15-Point Programme of the late Prime Minister regarding communal harmony and welfare of minorities. Our Secretary, Shri Ahmad, suggested that a senior officer, preferably from the Home Department, should be nominated as a Nodal Officer. The Chief Secretary agreed with this suggestion.
- (b) Persons belonging to all communities, who are economically backward, were being given, according to the Chief Secretary, land/house sites, 'pattas', and loans; and children of all communities, including minorities, are being provided mid-day meals.
- (c) A separate report had been sent to the Government of India regarding the recent communal riots at Hyderabad. The payment of ex gratia amounts to the victims of the communal riots and their subsequent rehabilitation had also been taken up by the State Government.

- (d) About 37 per cent employees in the city Police Force belonged to the minority communities.
- (e) The State Government had opened 45 industrial training institutes in different districts giving adequate representation to minorities in these institutions.
- (f) An autonomous Waqf Board had been recently reconstituted in the State and it was looking into the problem of encroachments on Waqf properties.

4.4 The Secretary, Central Minorities' Commission, stressed the need to open special coaching classes for the benefit of the minorities. He was assured that this matter would be given careful consideration by the State Government. The Home Secretary of the State Government suggested that the Government of India should give special financial assistance to the State Government and its Local Bodies for the benefit of minorities. This would enable them to take up and expeditiously implement various schemes including provision of adequate protection to the historical monuments belonging to minorities.

II. VISIT OF CHAIRMAN & DEPUTY COMMISSIONER FOR LINGUISTIC MINORITIES TO MADRAS

4.5 The Chairman, accompanied by Deputy Commissioner for Linguistic Minorities, visited Madras and met representatives of the linguistic minorities in Tamil Nadu. They also discussed the problems of these minorities and other problems of linguistic as well as religious minorities with the Chief Secretary and senior officials of the State Government on 11th April, 1984. The points which emerged from the discussion are given below :—

Grievances of the Minorities	Comments of the State Government
1	2
(i) The State Government should adopt a three-language formula instead of the existing two compulsory languages.	The three-language formula was not being implemented faithfully in other States, like Uttar Pradesh. Therefore, it was not realistic to expect its implementation in Tamil Nadu.

1	2
(ii) The State Government should abolish the condition that teachers of minority languages should pass proficiency test in Tamil, failing which they were liable for stoppage of annual increments and even suspension.	The condition has been imposed because correspondence with the State Government on administrative matters can be carried on in Tamil only. Otherwise, these teachers will become ineligible for higher posts which involve correspondence in Tamil.
(iii) The State Government should abolish the condition requiring proficiency in Tamil for recruitment to the post of Sub-Inspectors of Police.	The condition was essential because the Police officers have to record FIRs and maintain records in Tamil, which was the language spoken by the vast majority of people in the State.
(iv) Several posts of Urdu teachers have not been filled by qualified teachers.	The Director of School Education promised that if any specific cases were brought to his notice, he would look into them.
(v) Nursery schools with Urdu medium should be set up.	The Government do not set up schools which have a minority language as a medium of instruction.
(vi) Students receiving instruction in Urdu or any other minority languages were given question papers set in English language.	Question papers for upto Xth standard examinations were being set in minority languages also. However, at the stage of pre-University examination, question papers were set in Tamil & English only as it was uneconomical to print question papers in minority languages at this stage. The students could, if they so desire, answer their papers in Urdu & Telugu.
(vii) An Urdu Academy should be set up.	The State Government has not established any academy for any other language. However, it could be examined if such a request was formally made.

- (viii) Muslims should be given representation in services on the basis of the strength of their population. No reservation could be made for any minority community on population basis due to constitutional disability to make such reservation.
- (ix) Applications for recognition of Kannada medium schools were required to produce certificates from Courts regarding their minority character. According to Director, of School Education, no proposal for such recognition was pending. However, he agreed to look into the matter.
- (x) Land should be allotted for Kannada School Ayanavaram. Education Secretary promised to look into this matter.
- (xi) A Minorities' Commission should be set up in Tamil Nadu. A Backward Classes' Commission has already been set up in the State, and, therefore, there was no need to constitute a separate Minorities' Commission.
- (xii) The State Government should publish pamphlets regarding safeguards for linguistic minorities for the guidance of officers at various levels and for the information of linguistic minorities. The matter will receive careful consideration by the Government.
- (xiii) Radio & TV at Madras should also broadcast programmes in minority languages. The Ministry of Information & Broadcasting have intimated that :
- (a) Madras Radio Station is broadcasting Telugu programmes daily from 8.20 AM to 8.50 AM on week days and from 1.30 PM to 2.30 PM on Sundays;
- (b) Radio reports are broadcast covering Urdu Mushairas and other socio-cultural functions of the Urdu-knowing people;

1

2

(c) 10% programmes are telecast in minority languages which include Telugu, Malayalam, and Kannada. Regional films are telecast on national network on first Sunday of each month.

(d) Urdu programmes, including Ghazals and Mushairas, are regularly telecast.

(e) Urdu newspapers should receive adequate patronage from the Government.

The State Government issued advertisements to all newspapers without discrimination. The DAVP of the Central Government are releasing advertisements to small newspapers, including those published in Urdu. All facilities provided by the PIB to newspapers in general are being extended to Urdu newspapers also, including 'Musalman' and 'Tamil Nadu Times'. The media units of the Ministry of Information & Broadcasting are doing their best to provide services for the minority communities in Madras.

The Chairman suggested that the Law Secretary of the State Government should examine the propriety, from the legal angle of the condition prescribing proficiency in Tamil for all teachers even in minority languages. He also asked whether it was reasonable to set question papers in a language other than the language in which the subjects were being studied. The State Government may like to review the position accordingly.

III. CHAIRMAN'S MEETING WITH THE U.P. EDUCATION MINISTER AT LUCKNOW

4.6 The Chairman Minorities' Commission, met Shri Ammar Rizvi, the Minister for Education & National Integration, Uttar Pradesh at Lucknow on 27-4-1984. They discussed the dispute

between Shias and Sunnis relating to the removal of graves. This dispute had existed for a long time. It had been taken to the Supreme Court several times. The Chairman expressed his view in favour of evolving a compromise acceptable to both the parties as a lasting solution of the dispute. The gist of their respective views are reproduced below:—

Shri Ammar Rizvi	Chairman
(a) The construction of a boundary wall around the graves of Sunnis with a passage to them.	(a) Acceptable to Sunnis.
(b) Compensation to be paid for breaking of Tazias of Shias by the Sunnis.	(b) Sunnis can agree to offer a token compensation without accepting the responsibility for actual destruction.
(c) Full guarantee by the Government for the protection of Shias and observance of their religious rites.	(c) Acceptable.
(d) Complete control of Shias over the building, in the Shia Waqf Board's Registers.	(d) & (e) These can be settled by negotiation if full details are furnished.
(e) Withdrawal of all cases filed by Sunnis.	

The real bone of contention is control over a small mosque which is under the control of a Sunni Imam. A compromise can emerge if Shias agree to finance building a new mosque for Sunnis in lieu of the Sunni mosque to be surrendered for use by Shias. The funds being collected by Shias for shifting of the graves could be profitably diverted to the construction of the new mosque.

A copy of the Chairman's Report dated 28-4-1984 is placed at ANNEXURE XXIII.

IV. VISIT OF THE COMMISSION'S TEAM TO NARNAUL (HARYANA)

4.7 The Minorities Commission had received numerous representations from Khalsa Aman Committee, Narnaul (Haryana) regarding the communal incidents at Narnaul on 10-10-1983

and 22-5-1984. The Commission decided that the Member, Gyani Sujan Singh, accompanied by Shri S. K. Jha, Joint Secretary and Shri N. S. Bhatia, Deputy Commissioner for Linguistic Minorities, may visit Narnaul for studying the situation on the spot. Accordingly, the aforesaid team visited Narnaul on the 16th and 17th August, 1984. A copy of the report submitted by the team is placed at *ANNEXURE XXIV*. It contains factual position about the communal riots as ascertained from representatives of Sikh community as well as district authorities at Narnaul. The riot victims, belonging to the Sikh community, complained about the huge losses suffered by them, the meagre relief/compensation provided, the role of political leaders in inciting communal violence and the inaction of the district authorities against the culprits. They had a word of praise for the Deputy Commissioner and the Superintendent of Police, who had acted in an impartial manner. They now demanded issue of arms licences liberally, posting of Central Police Force and appointment of atleast one Sikh officer as Deputy Commissioner or Superintendent of Police to give them a sense of security.

4.8 The Commissioner, D.I.G., the D.C. and S.P., who later met the Member, assured him that they would have the assessment of damage re-checked and compensation already sanctioned by the Government would be disbursed shortly. The DIG stated that some goods had already been recovered and further recovery would be expedited. He also assured prompt action against the erring police officials. The State Government officers also informed the Member that the wife of a person killed in the riots has been offered a job, in addition to some relief to her family. Ex-gratia payment of compensation had also been made to the family of the Sikh Assistant Sub-Inspector, who had been killed in the riots and a member of his family was promised a suitable job. They were also looking into the feasibility of getting some bank loans to the affected Sikh traders to rehabilitate them in business. The Member also addressed a congregation of Sikhs at the local Gurdwara and warned them against certain foreign elements which were provoking disturbances in the country. He asserted that rebels cannot be pardoned, that no Sikh in India supports the demand for Khalistan, and that the Army had to go to Darbār Sahib due to nefarious activities of the extremists. He added that the majority community also had its responsibility to members of the minority community. The Member exhorted the local Sikhs to extend their cooperation in preserving communal harmony.

4.9 The Commission wrote to the Government of Haryana on 15-11-1984 bringing to their notice the recommendations made in the report. The Member was informed by the Chief Minister that compensation has already been provided to the persons affected from riots and they have been also assured of security in future.

V. VISIT OF MEMBER VEN. KUSHOK G. BAKULA TO JAMMU & KASHMIR STATE

4.10 The Member, Ven. Kushok G. Bakula, had brought to the notice of the Commission several problems being faced by the people of Zaskar area of Jammu & Kashmir. After bifurcation of the district of Ladakh, the Tehsil of Zaskar has been merged with Kargil district. Zaskar, mostly barren land, is inhabited by about 12,000 Buddhists. The problems of the people of Zaskar are manifold, i.e. social, economic, educational and administrative, as pointed out in the report of the Member, dated 24-9-1983, a copy of which is placed at ANNEXURE-XXV. The report of the Member was sent to the Ministry of Home Affairs on 28-11-1983. Subsequently the Member held a series of meetings with the Chief Minister and his Cabinet colleagues at Srinagar from 26th to 31st August, 1984. A brief report of the Member on his discussions with the Chief Minister is enclosed as ANNEXURE XXVI.

VI. SECRETARY'S VISIT TO LUCKNOW

4.11 Qazi Mukhtar Ahmad, Secretary of the Minorities' Commission, was sent to Lucknow, from the 26th to 29th September, 1984, to find out the position regarding the implementation of the 15-Point Programme in Uttar Pradesh, and other allied matters pertaining to the welfare of minority communities. His report is summarised below :—

(a) *Implementation of 15-Point Programme*

The Chief Secretary to Government of Uttar Pradesh agreed to the—

- (i) inclusion of the members of minority community in committees at various levels to ensure that they also got the benefit of the 20-Point Programme,
- (ii) setting up of a financial corporation for ameliorating the conditions of minority communities in the State;

re-writing of history books by the Education Department and co-opting of a member of the minority community, preferably a Muslim educationist, on the Text-Book Committee;

establishing of an effective high level monitoring cell in the Integration Department of the State Government;

inclusion of a representative of the minority community in the selection committees for non-gazetted posts at the district and other levels;

giving of wide publicity to vacancies in Police Force in areas having concentration of minority population;

identification of riot-prone areas and posting of suitable officers therein;

taking of effective steps to stop publication of objectionable writings in the press and in the books,

considering of the question of co-option of a member of a minority community on the committee set up for according recognition to minority institutions;

conferring of minority status to minority institutions like Hamidia Girls' Degree College at Allahabad;

making of arrangements for training/refresher courses for Urdu teachers;

introduction of job-oriented subjects in 'Maktabs' and 'Madarsas' receiving grants from Government; and

confirmation of the non-gazetted employees of Waqf Department, most of whom belong to the minority community, who had put in more than 7 years' service.

Implementation of other welfare measures

The Government was contemplating to set up a Welfare Board on the pattern of the Gujarat Minorities' Welfare Board. It was providing financial help to deserving candidates from minority communities. The grants received from the UGC were being

utilised by many Universities like Agra, Gorakhpur and Bareilly to set up facilities for coaching and technical classes for the benefit of minorities. Advertisements for recruitment to posts under the Government would be given wide publicity in the districts having concentration of a minority community. Copies of such advertisements would also be sent to the State Minorities' Commission and Muslim MLAs/BDOs. The question of associating representatives of the minority community with the recruitment of police personnel will also be considered in order to improve their representation in the police force.

VII. VISIT OF THE COMMISSION TO PLACES AFFECTED BY RIOTS DURING NOVEMBER 1984

4.12 After the ghastly assassination of the late Prime Minister, Smt. Indira Gandhi, the Commission held an extraordinary meeting on the 9th November, 1984 and passed the following Resolution :—

“The Commission views with utmost horror the assassination of our dearest Prime Minister, Smt. Indira Gandhi, which was an attack directed against the whole nation's unity, integrity, stability, and strength. She was a special friend of each and every minority and championed just and legitimate causes of all minorities ardently against all those who sought in any way whatsoever to damage them.”

“We urge the whole nation to fight, like one man, without any differences of opinion or feeling, the dark forces of disruption, division, and destabilisation operative both from within and from outside our country, and to defeat all those who hope, by spreading fratricidal strife, to break up and weaken the whole nation.”

“The martyrdom of Prime Minister, Smt. Indira Gandhi who was the best friend of the weak and the down-trodden all over the world, and the staunchest fighter for world peace, must steel our resolve to defeat the enemies of humanity and of our country in particular whatever be the cost. We offer our deepest condolences to the bereaved family and the whole nation.”

"We also offer our fullest cooperation to our new Prime Minister, Shri Rajiv Gandhi, in the tasks ahead, of implementing the objectives of national integration so dear to the heart of the late Prime Minister."

The above Resolution was released to the Press for publication.

4.13 The Commission also decided to visit some of the refugee camps and riot-affected places in Delhi in order to get first-hand information about the nature and extent of loss to life and property and the relief measures being provided to the riot affected persons. A copy each of the Reports on the visit of the Commission to a refugee camp, and Mota Singh Senior Secondary School, Narang Colony (West Delhi) on 14-11-1984 and Gurdwara Naraina Vihar and Industrial Area Naraina (West Delhi) on 15-11-1984 is placed at *ANNEXURES XXVII* and *XXVIII*, respectively.

VIII. TOURS BY MEMBER, SMT. ANNIE THAYIL TO MADRAS & BANGALORE

4.14 The Member, Smt. Annie Thayil visited Madras on 31-12-1984 on an invitation from Principals of Christian Colleges, in a talk delivered at Stella Maris College, Madras, she pointed out that our Constitution gives every minority its legitimate rights. In addition, we have the 15-Point Programme of the late Prime Minister for the benefit of the minorities. The Commission of which she was a Member, had been specifically set up to ensure that Laws providing safeguards to the minorities were being actually implemented. A copy of her talk is enclosed at *ANNEXURE XXIX*.

4.15 She also attended a meeting of the Karnataka State Minorities' Commission at Bangalore on 1-1-1985. She was requested to get appropriate instructions issued by the Government of India, to the State Government, on the following suggestions :—

- (i) Minorities' Cell of the State Cabinet should be formed wherever it does not exist at present and the Chairman of the State Minorities' Commission or his nominee should be made a permanent invitee to the meetings of the Minorities' Cell.

- (ii) The field officers of the Department of Backward Classes and Minorities of the Government of Karnataka should be designated as Nodal Officers for collection, consolidation, and monitoring of information regarding the share of benefits accruing to the minorities out of various welfare schemes of the State Government.
- (iii) The progress of implementation of the 15-Point Programme of the late Prime Minister may be reviewed at a Conference of Deputy Commissioners to be held at the State level.
- (iv) Rules governing grant-in-aid to the minority educational institutions should be liberalised. The concessions available to Scheduled Castes & Scheduled Tribes could be extended to the minority institutions also.
- (v) The Central Minorities' Commission should recommend to the State Government that minorities should be given representation in government service in proportion to their population in the State.

4.16 Smt. Thayil visited the St. John's Medical College Bangalore on 1-1-1985. The College authorities submitted a representation requesting that the Bangalore University should be persuaded to continue affiliation of the College in respect of Post-Graduate classes and it may be given recognition by the State Government. The Nodal Officer of the Government of Karnataka has been requested by the Central Minorities' Commission to look into the matter.

IX. ATTENDANCE OF CHAIRMAN AT THE SESSION OF INDIAN SCIENCE CONGRESS AT LUCKNOW

4.17 The Chairman of the Minorities' Commission was invited to chair the Session of the Indian Science Congress held at Lucknow on the "Preservation of Cultural & Physical Heritage" on 7th January, 1985. He exhorted the modern Anthropologists and Sociologists to adopt more dynamic and bolder approaches in their work taking into account the realities of the modern world. He did not see any merit in the preservation of primitive methods of cultivation or production or social, economic, and legal organisations simply because they were ancient in origin. He expressed the view that change, which is a basic law of

human culture, must take place and its direction can be and should be guided by social scientists. He further cautioned against the thesis advanced by a learned Professor at the Conference that humans ought to breed as much as possible in order to meet the danger of extinction of human race by a nuclear war.

4.18 The Chairman also disapproved of any abandonment of the well recognised methods of scientific study by inductive and deductive processes and from impartially and objectively ascertained facts. He said he was unable to support a plea for allegedly new "inspiratorial" methods of finding out truth which poets and romanticists could, no doubt, pursue and certainly adopt. But, he failed to see how social 'scientists' could adopt such methods despite Fritz Capra's 'Tao of Physics'. A copy of the Chairman's Report is placed at *ANNEXURE XXX*.

X CHAIRMAN'S ATTENDANCE AT THE CONFERENCE OF THE PUNJABI ACADEMY AT LUCKNOW

4.19 The Chairman attended a Conference of the Punjabi Academy at Lucknow held on 12-1-1985. He was apprised of requirements for educational and cultural progress of speakers of Punjabi language. The Chairman drew attention to the Three-Language-Formula and the criteria prescribed by the Government for appointment of teachers of particular regional languages. He said that grievances about unjustifiable discrimination could be brought to the notice of the Chairperson of the Minorities' Commission of Uttar Pradesh or the Central Minorities' Commission. The Chairman agreed that media could misrepresent cultures and religions and the Minorities' Commission would like to obtain information of instances of such misinterpretation. He also emphasised that any derogatory references to particular religions or their leaders had to be eliminated from text-books. The Minorities' Commission of India had already made recommendations in regard to these matters. The Commission had also suggested that dignity of a person should be based on his individual worth and identity and not on his group identity. A copy of Chairman's Report on his visit is placed at *ANNEXURE XXXI*.

XI. PROPOSED VISIT TO ASSAM

4.20 The Commission received several representations from the minorities in Assam about their grievances, such as deletion

of their names from the voters' list without due enquiry, harassment at the hands of the majority community and the police. The Commission consulted the Government of Assam and the Union Home Ministry about a proposed visit and were advised that the proposed visit may be postponed in view of the prevailing situation in the State. Both the majority and minority communities were highly agitated by the recommendation of the Chief Election Commissioner that 1971 electoral rolls of Assam be taken as the basis for revision of the Electoral Rolls in that State and the impending elections to Lok Sabha in 1984. The proposed visit was, therefore, deferred.

CHAPTER V

ACTION TAKEN BY THE COMMISSION ON THE REPRESENTATIONS RECEIVED

5.1 The Commission received and examined two hundred and fifty-five representations from minorities during the period under report. Out of these, 169 related to individual grievances and remaining 86 to general grievances. The community-wise break-up of the representations received is as follows :—

1. Muslims	180
2. Christians	24
3. Sikhs	19
4. Buddhists	6
5. Parsis	NIL
6. Others	21
	255

One hundred and fifty-six cases, which *prima facie* merited investigation, were taken up with the authorities concerned. The remaining 99 cases were filed after preliminary examination, owing to the following reasons :—

Reason for filing the representation	Number
(i) Representation not addressed to the Commission and no serious minority issues involved.	77
(ii) Matter outside the purview of the Commission	13
(iii) Other normal channels were available or such channels had already been resorted to.	3
(iv) Representation too general or vague	1
(v) Matter subjudice in a regular Court of Law	1
(vi) Anonymous representation	4

5.2 Despite the recommendations made in its earlier reports the Commission has neither yet been granted statutory recognition nor have the powers of investigation under Section 3 of the Commissions of Enquiry Act given to it. This handicap prevents the Commission from conducting thorough probes into allegations, or suggesting effective means of redress. Even so on representations and petitions warranting investigation, the Commission has been making references to the concerned Central Government Departments, State Governments and other authorities requesting them to furnish factual information and comments. In a few cases, the Commission heard the complainants in person. The Commission has also been undertaking local visits to enquire into important cases and also deputing its officers to obtain first-hand information about grievances alleging discrimination, harassment, victimization, or deprivation of rights and safeguards.

5.3 Some of the important grievances which were looked into by the Commission are summarised below :-

I. DISMANTLING OF GRAVES AT DOSHIPURA, VARANASI

5.4 Shri Syed Shahabuddin, M.P. requested the Commission to apprise him of its views on the dispute between Shias and Sunnis on the question of graves at Doshipura Mohalla, Varanasi (U.P.) He indicated that these views were required for use of a committee consisting of five eminent Muslims, including Shri Ibrahim Suleman Sait and himself. The Committee had been trying to bring about a settlement of the Shia-Sunni dispute in Doshipura, so that the Supreme Court could be persuaded to revise its order regarding shifting of the graves. Shri Shahabuddin was supplied with a copy of the report about Chairman's meeting with Shri Ammar Rizvi on 27-4-1984. His attention was also invited to the letter to Shri Suleman Sait wherein the Chairman had already communicated his views.

II. EDUCATIONAL PROBLEMS OF MINORITIES IN UTTAR PRADESH AND DECLARATION OF URDU AS SECOND LANGUAGE IN THE STATE

5.5 The Commission received a copy of the letter dated 4-7-1984 from Shri M. A. Quraishi, ICS (Retd.), addressed to Minister of Finance, Government of Uttar Pradesh. It mentioned two main issues which were causing grave concern

amongst the Muslims at large, viz. (a) declaration of Urdu as second language in U.P. and (b) employment opportunities in services under Government/Public Sector Undertakings/Nationalised Banks. A copy of Shri Quraishi's letter is at *ANNEXURE XXXII*. A note containing grievances about educational problems of minorities in Uttar Pradesh was also received from Shri M. Riazuddin Ahmad, General Secretary, Minorities' Educational Institutions Association, U.P. (copy at *ANNEXURE XXXIII*).

5.6 The Government of Uttar Pradesh had issued an Ordinance in April 1982 declaring Urdu as Second language in Uttar Pradesh for the following specified purposes:—

- (a) entertaining applications in Urdu;
- (b) receiving documents in Urdu presented with Hindi translation thereof;
- (c) publication of important Government Rules, Regulations & Notifications;
- (d) publication of important Government advertisements and
- (e) translation of Gazette in Urdu.

The Ordinance issued by the Uttar Pradesh Government has been declared *ultra-vires* of the Constitution by the Allahabad High Court. During the course of debate in the State Legislature, the then Chief Minister of Uttar Pradesh stated that the Government would study the situation in the light of High Court's judgement. Further developments have not been intimated by the State Government.

5.7 The 15-Point Guidelines issued by the late Prime Minister lay down, *inter alia*, that special consideration should be given to minorities in the matter of recruitment of Police personnel and also in organisations like Railways, Nationalised Banks and Public Sector Undertakings. The Selection Committees should include representatives from the minority community. Coaching classes should be started to enable the candidates belonging to the minorities to compete successfully in the competitive examinations. More ITIs and Polytechnics should be set up in predominantly minority community areas. The Chairman and Secretary of the Minorities' Commission, during their visits to States of Uttar Pradesh and Andhra Pradesh, have

urged authorities concerned to take practical steps for implementing these Guidelines. The Commission has also recommended to various State Governments and Union Territories to issue instructions, on the lines of the Assam Government, for giving representation to minorities in Government services and Public Sector Undertakings.

III. PROVISION OF MOSQUES AND GRAVEYARDS IN THE CANTONMENT AREA OF PUNE

5.8 Shri Khursheed Alam Khan, then Union Minister of Tourism, had forwarded to this Commission in 1982 a representation from the All India Minority Front, Pune, demanding provision for a mosque and a graveyard in Pune Cantonment area. In a subsequent letter from the Front, it was also alleged that whenever a new development plan is prepared by the Pune Municipal Corporation, the size of the mosques is reduced, Waqf properties are earmarked for gardens and playgrounds, and no provision is made to meet the growing needs of Muslim community for places of worship (mosques) and burial grounds.

5.9 The matter was taken up with the Cantonment Board Pune, who informed the Commission on 30-6-1984 that no development plan has been prepared by it nor is any land available at present in the Cantonment area. However, the demand of land for construction of mosques and for graveyards will be examined when Maharashtra Government take up preparation of the development plan. Shri Khursheed Alam Khan has been informed accordingly and requested to communicate the position to the representationists.

IV. DECLARATION OF GHONDA MUNICIPAL CONSTITUENCY, DELHI, AS 'UNRESERVED' FOR ELECTION PURPOSES

5.10 Shri Mohd. Shafi Ansari, resident of Ghonda in Delhi, had represented to the Commission that Ghonda Municipal constituency may be declared as 'unreserved' (General) as Scheduled Castes constituted hardly 20% of its population. The matter was taken up with the Delhi Administration, which has stated that the population of Scheduled Castes & Scheduled Tribes in the constituency was 28% of the total (10294/36569). Moreover, the Delhi Municipal Corporation (Amendment) Ordinance, 1983 promulgated by the President of India on 2-1-1983

debates any alteration in the number and extent of the municipalities towards till the relevant figures for the first census taken after the year 2000 have been published.

V AFFILIATION OF LAW, EDUCATION & TECHNOLOGY FACULTIES IN SOGHRA COLLEGE, BIHAR SHARIF NALANDA

5.11 The Soghra College, Bihar Sharif is affiliated to Magadh University, Bodhgaya, Bihar. The Commission received a letter dated 2-3-1984 from its Secretary that Education, Law and Technology Faculties were not being granted affiliation by the University. The students admitted in these faculties were experiencing hardship. The College had also not received a grant from the Government. The Commission was, therefore, concerned to take up the issue with University of Magadh and Government of Bihar.

5.12 Government of Bihar reported that it will consider affiliation of Law Faculty when the proposal is received from the concerned University. The State Government do not grant recognition to any Education Faculty run by private institutions. The Education Department of the State Government is not competent to grant affiliation to the Faculty of Technology. The views of the Government of Bihar have been conveyed to the Secretary, Soghra College, Bihar Sharif.

VI MASS RAPE COMMITTED ON WOMEN OF A MINORITY COMMUNITY

5.13 On 23rd March, 1984, Islami Tahafuz Committee, Nanaura, District Nawada, Bihar, sent a telegraphic complaint to the Commission about mass rape committed on a 11 year old girl and two women of a minority community on the night of 16th/17th March, 1984. It was also reported that property had been looted at Bhagwal Bigha, Nanaura. It was complained that Police was not taking any action against the accused who were moving freely. As a result, the minority community was feeling insulted and insecure.

5.14 The Government of Bihar reported that Mrs. Zaubun Nissa lodged a complaint with the Police on 17-3-1984 and the case was registered at Nawada Police Station under Section 452/380/323/376/341 and 34 of Indian Penal Code. The accused allegedly entered the house at night fully armed. Since no

male member was present in the house, the ladies became helpless. Immediately on receipt of the report, Police acted swiftly and arrested 9 persons the next day. Action was also taken for confiscation of property of the absconding persons. Charge-sheet had been filed against 16 persons and the case was pending in the Court. The situation was reported to be normal. The Complainant was informed accordingly.

VII. COMPLAINT FROM TWO MUSLIM RESIDENTS OF DELHI ABOUT HARASSMENT AND THREATS BY 'GOONDAS' AND INACTION OF LOCAL AUTHORITIES

5.15 S/Shri Sheikh Mohd. Auf and Sheikh Mohd. Adil submitted a complaint dated 3-7-1984. It was alleged that on 25th April, Shri M. L. Kumar and his hired goondas held open threats to their lives in a dispute relating to their property situated in Gandhi Market, Sadar Bazar, Delhi. They called the Police for their safety and protection but the latter locked up both parties under Section 107/151 Cr. P.C.

5.16 The Delhi Administration intimated that, in this case Teja and his three sons had assaulted Wahid Raza and Khalid Raza, sons of Mehmood Raza, who were tenants of the complainants. The Razas had constructed a door by pulling down a portion of the wall separating premises No. 5358 and 5359, Gali Pattewali, Rui Mandi, Sadar Bazar, Delhi. This had been done with the connivance of the complainants. The tenants of the premises No. 5359, including Teja took objection to this act. Apprehending communal trouble, the Police authorities arrested 16 persons including 9 Hindus and 7 Muslims, under Section 452/308/324/427/506/34 IPC in case FIR No. 230 dated 23-4-1984 at Police Station, Sadar Bazar. According to the Delhi Administration, there was no alternative with the local Police except to arrest both the parties to avoid a serious situation. The case is proceeding according to law.

VIII. OBJECTION TO THE HOLDING OF EXAMINATIONS AND SELECTIONS BY THE UPSC ON HOLIDAYS

5.17 It was brought to the notice of the Commission, through various reports in newspapers and by prominent individuals, that the UPSC holds examinations as well as interviews on holidays, particularly Muslim festivals like Id-ul-Fitr and Id-ul-Zuha. The Commission has replied its information is that it tries to ensure that no examinations/interviews are fixed on any holidays, and

particularly, not on religious holidays. However, the dates of celebration of the festivals like Id-ul-Fitr or Id-ul-Zuhra are linked with the appearance of the moon. Sometimes, this results in last minute changes in the pre-notified dates of these festivals. In such cases, the authorities are obliged to adhere to the scheduled dates because all the arrangements for holding examinations/interviews are finalised well in advance.

IX. REPRESENTATION FROM WAISI MEMORIAL ASSOCIATION, CALCUTTA

5.18 A complaint was received from General Secretary, Waisi Memorial Association, Calcutta. It was alleged that the sacred 'mazar' of the great poet, philosopher and religious teacher, Late Pir Fateh Ali Waisi, at 24/1 Munshipara Lane, under Manicktola PS, Calcutta was being desecrated by local archais and anti-social elements. The Waisi Memorial Association had also passed a Resolution urging authorities to evict persons who had unauthorisedly taken possession of land and buildings belonging to the mosque. The Minorities' Commission was requested to sponsor legislation to safeguard interests of the religious minority as well as to protect their holy Shrine. The Commission asked the Government of West Bengal to send a report on the allegations.

5.19 The Government of West Bengal has sent a report on 7-5-1984 stating that there is a burial ground styled "Munshi Para Qabrستان" and also a mosque known as "Delhi-wale Mosque" at 24/1, Munshipara Lane (Manicktola PS). Burial of dead bodies in the aforesaid burial ground was suspended about 5/6 years back. The mosque, however, has an Imam and regular prayers are held there. Both the places were earlier looked after by Munshipara Qabrستان Committee. The Anjuman Punjabian-e-Delhi, Muqim Calcutta, is presently looking after it.

5.20 It was further stated that Peer Hazarat Fateh Ali Waisi had been buried in the said burial ground and his grave was well surrounded by 'pucca' construction besides electric lighting. His death Anniversary, i.e. URS, is observed by his disciples on 7th December every year, since 1949. The Waisi Memorial Association was formed in the year 1980 to arrange for the annual URS of the above Saint and to preserve the sanctity of his grave. SK Ahmed Ali, Honorary General Secretary of the Association, disclosed during enquiry, that the act o

extension and encroachment by New Mohini Bakery, the burial ground land at 24/1 Munshipara Lane was alleged to have injured the sentiments of the Muslims in general there.

5.21 One Kali Narayan Chakraborty had constructed a two storeyed building on the burial ground land at 26, Munshipara Lane. The ground floor of the said building was being used as his bakery styled "New Mohini Bakery" and a portion of the land of the burial ground at 24/1 Munshipara Lane was used as godown and car park. Shri Chakraborty contended that, on the strength of verbal understanding with Md. Yakub of the then Munshipara Qabrustan Committee, he had obtained the land at 26, Munshipara Lane in 1969 and the building constructed over it in 1970-71. He produced a rent receipt from Munshipara Qabrustan Committee for the year 1979, showing Rs. 300 as rent (Rs. 250 for the land and Rs. 50 for car space). The General Secretary of Anjuman Punjabiyan Delhi, Muqim Calcutta said that Shri Kali Narayan Chakraborty somehow managed to get the land from Md. Yakub of Qabrustan Committee and he illegally occupied certain portion of the land. He admitted that, on behalf of the organisation, he issued receipts to Shri K. N. Chakraborty for Rs. 300 per month.

5.22 The Warsi Memorial Association did not claim ownership of the said burial ground but wanted it to be properly maintained by Anjuman Punjabiyan-e-Delhi, Muqim Calcutta. Nani Bhowmick had been appointed as caretaker of the burial ground and the mosque by Anjuman Punjabiyan-e-Delhi at a salary of Rs. 100 per month. His appointment was reported to have been objected to by many persons as he is a non-Muslim.

5.23 A reply has been sent to the complainant on 30-7-1984 informing him of the report received from the State Government.

CHRISTIANS

I. REPRESENTATION FROM SHRI STEPHEN PADUA, MLA, KERALA ABOUT PROBLEMS OF ANGLO-INDIAN COMMUNITY

5.24 Shri Stephen Padua, MLA, Kerala and President-in-Chief, Union of Anglo-Indian Associations, sent on 21-4-1984 a petition to the Commission stating that the privileges enjoyed by the Anglo-Indian community as minority community, have been discontinued from 1960 onwards. Only the privilege

nomination of its representatives to the State Legislature and the Lok Sabha exists at present. The Anglo-Indian community throughout India, it was alleged, has gone down educationally and economically as a result of the deprivation of the educational grants/stipends and the reservation in appointments.

5.25 He pleaded that the Commission may recommend the Central and State Governments (i) giving stipends/scholarships to poor Anglo-Indian students, (ii) reserving seats for them in professional/technical institutions, (iii) fixing quota appointments in public services and public sector undertakings for the Anglo-Indian community which they were enjoying till 1960; (iv) making special recruitment of Anglo-Indians in Government services and public undertakings; (v) earmarking one out of two seats, reserved in Lok Sabha, for Anglo-Indians coming from South whose grievances were not being voiced in Parliament; and (vi) nomination of Anglo-Indians on Local Bodies and Universities.

5.26 The matter was examined in the Commission. It observed that nomination to Lok Sabha and State Assemblies was guaranteed under Articles 331 and 333, respectively. Moreover, the special provisions made under Article 336 of the Constitution for their appointment to posts in the Railways, Customs, Posts & Telegraphs services of the Union and under Article 337 of the Constitution, with respect to their educational rights, have ceased because the benefits conferred by these special provisions were granted for limited periods only. The Commission came to the conclusion that the requests made by the representation were beyond its power to grant. The petitioner was informed accordingly.

II. COMPLAINT AGAINST THE UPROOTING AND CAUSING DAMAGE TO THE CEMETARY SITUATED AT SAHARSA, BIHAR

5.27 Shri Surinder Nath Rai, Pastor, Brethren in Christ Church Society, Saharsa, Bihar, complained against uprooting and causing damage to the cemetery of the Christians at Ward No. 8, Mission Compound Saharsa, by Mr. Ratneshwar Prasad son of Bhola Prasad, an officer of LIC. The Government of Bihar reported that Mr. Ratneshwar Prasad had been arrested on the spot, while damaging the cemetery along with his associates. He was later on released on bail. A case was registered under Section 295/297 IPC against him and his three associates. It was pending in the Court. No further complaint had been

received from the local Christian community of Saharsa and no further tension was reported between the two communities. The complainant was informed accordingly

SIKHS

1. REPRESENTATION REGARDING FALSE PROPAGANDA AGAINST GURDWARA SHRI GURU NANAK DEV Ji AT MANI KARAN, DISTRICT KULU, HIMACHAL PRADESH

5.28 Shri Har Bhajan Singh Sodhi of Ithasik Gurdwara, Mani Karan, District Kulu, Himachal Pradesh sent a letter dated 28-8-1984 on behalf of Sant Narain Hari to this Commission. It was stated there that the present Gurdwara had been erected at the holy place where, in 1517, Guru Nanak Dev Ji had created a spring of hot water by lifting a stone. Thousands of pilgrims went there to bathe and to partake of the food prepared with water from spring. A Gurdwara, a 'sarai' and a Shiva temple have also been built to serve the pilgrims. Sant Narain Hari has been looking after the 'sewa' and upkeep of the holy complex for well over fifty years. It was complained that efforts were afoot to cut off the water from the spring from entering into the bathing Sarovar. On 1-1-1984, about four hundred of these misguided persons attacked the Gurdwara, broke down one of its gates and threw it into the river.

5.29 The Government of Himachal Pradesh has reported that the Shiva temple is situated in the precincts of Gurdwara. The temple is locked and its keys kept by Sant Hari Narain. On 1-3-1984, a large number of Shiva devotees had assembled to offer worship in the temple. As the temple was locked, the devotees requested the Sant to open the temple. This was done by one of his Sevadars. Due to a great rush of the devotees, a gate broke down. This was simply due to accident and not on account of any mischief. The local Police reached the spot and requested the Sant to lodge a complaint with them, in case he suspected some foul play. The Sant declined to do so. The local Police, on its own, registered a case—FIR No. 75/84 dated 2-3-1984, under Section 147/149/427 IPC. During investigation no evidence of any foul play was found. Therefore, a final report had been sent to the Court. The State Government found that the allegation regarding some miscreants wanting to cut the water source of the Gurdwara was incorrect. They have advised the Sant to inform the Police Post, Mani Karan immediately in

case any untoward incident occurs. Due to precautionary measures taken by the local Police, Shivaratri was celebrated peacefully in Mani Karan.

5.30 The Commission has informed Sant Narain Hari of the contents of the report received from the State Government. The Sant was requested to intimate whether the dispute has since been settled amicably and finally. No further representation has been received from him.

1. HARASSMENT OF SIKH COMMUNITY IN HIMACHAL PRADESH

5.31 S. Bhan Singh, Secretary, Shiromani Gurdwara Prabandhak Committee, Amritsar, sent a complaint dated 26-9-1984 in which four instances of harassment to Sikhs in Himachal Pradesh were mentioned. The matter was referred to the Government of Himachal Pradesh for report/comments.

5.32 The first incident related to an attack on four Sikh shops at Nagrota Bagwan. The State Government reported that, on 24-5-1984, Sarvshri Joginder Singh, Mohinder Singh, Jasvinder Singh, Balwant Singh, Kuldip Singh and Jasbir Singh (all Sikhs), who are cloth merchants, had beaten up Hindu vegetable sellers and threatened them with dire consequences. On 25-5-1984, they hit Shri Chuni Lal with a shovel. Shri Chuni Lal reported the matter to the police. Consequently, the above six accused were arrested and later bailed out. Immediately after release on bail, they started harassing the poor vegetable sellers. This conduct of the Sikh cloth merchants enraged the entire people of Nagrota Bagwan and nearby villages, who pelted stones on the shops of these Sikhs. The police immediately reached the spot and they arrested 10 persons after registering two cases. Senior district and police officers also visited the spot and ensured full security and safety to the Sikhs.

5.33 The second incident related to a dispute between Shri Harbhajan Singh and his landlord, Shri Jugal Kishore, for vacation of his shop. The landlord and his accomplices beat up Shri Harbhajan Singh. The investigation in this case was completed and challen put up in the court on 11-10-1984.

5.34 In the third case, a petty quarrel took place on 14-6-1984 over the possession of ice cream stalls at Jwalamukhi Road Bus Stand in which Shri Sukhdev Singh was beaten up

by S. Shri Joginder Singh and Moti Ram. The police arrested them and registered a case under Section 107/151 Cr. P.C. against the accused.

5.35 The State Government has denied the fourth incident in respect of assault by some Hindu miscreants on Master Guler Singh at Village Parol, PO Nurpur (Kangra), pulling of his beard and snatching of four hundred and three rupees from him. It has been reported that some hot words were exchanged but nothing more happened.

BUDDHISTS

I ALLEGED DESTRUCTION OF TEMPLES AND CHURCHES IN CENTRAL JAVA INDONESIA BY MUSLIM EXTREMISTS

5.36 Shri Hari Mohan Lal, Secretary General, Vishwa Hindu Parishad, New Delhi, drew attention of the Commission to a news-item reported in Bangkok Post of 22nd January, 1985. The paper blamed Muslim extremists for exploding bomb in the 1100-year old Borobudur Temple in Central Java stated to be the largest single Buddhist Temple and one of the world's great architectural monuments. Attack on Christian Churches in East Java was also attributed to these extremists. The complainant desired that the Commission should condemn these acts and request the Government of Indonesia to investigate the matter and severely punish the culprits. The Commission after careful consideration, concluded that this matter was outside the ordinary scope of its activities and hence decided not to take any action.

II. REPRESENTATION FROM REV. JIGME LAMA, TIBETAN MAHAYANA BUDDHIST MONASTERY, BODH GAYA, AGAINST NEFARIOUS ACTIVITIES INDULGED IN BY MISCREANTS AT THE MONASTERY

5.37 The Commission received a representation dated 18-5-1984, from Rev. Jigme Lama, Tibetan Mahayana Buddhist Monastery, Bodh Gaya, regarding misuse of open space east of the Monastery by miscreants of the area. The Commission took up the matter with the Bihar Government. According to the report received from the District Magistrate, Gaya, there was no substance in the complaint. It was not possible to accede to the demand, made in the representation, for permanent transfer of the land to the Monastery. It was stated that whenever His

Holiness the Dalai Lama visits the place, there would be no hindrance to his delivering religious discourses from this place. The Member, Ven. Kushok G. Bakula also visited Bodh Gaya and discussed the matter with the District Magistrate, Gaya and local Buddhist leaders. It was agreed that the district authorities would maintain the sanctity of the place without its formal transfer to the Tibetan Monastery.

ZOROASTRIANS

RECOMMENDATIONS MADE BY THE FEDERATION OF PARSI ZOROASTRIAN ANJUMAN OF INDIA

5.38 According to a news-letter of the Federation of Parsi Zoroastrian Anjuman of India for January 1985, the Federation met in a meeting held in Secunderabad on 27th & 28th Oct. 1984.

At several recommendations in the fields of social, educational, cultural, and economic welfare of the Parsi community. Relevant extracts from the news-letter including the recommendations made at the meeting are placed at Annexure XXXIV. The news-letter was circulated to other Members of the Commission by Member Shri N. F. Suntook. He also wrote a letter on 18-12-1985 to the Honorary Secretary of the Federation commending the recommendations and efforts made by the Federation and assuring it of any help that the Commission could give to the Federation to enable it to play its full part in our secular democratic structure.

GENERAL

DIFFICULTIES AND DEMANDS OF SINDHI SPEAKING COMMUNITY IN THE STATE OF MAHARASHTRA

5.39 The All-India Sindhi Panchayat Federation, Bombay sent a memorandum to the Commission in 1981 (copy at ANNEXURE XXXV). The comments of the State Government was received on 14-6-1984. A brief analysis is given below :-

Memorandum of Sindhi Panchayat Federation	Reply of Maharashtra Government
1	2
(i) A Sindhi Academy should be established.	The Maharashtra State Sindhi Academy has already been established.

- (i) A martyrs memorial for Amar Shaheed Hemu Kalani should be erected.
- (ii) Sindhi programmes should be broadcast on Radio & TV
- (iii) Action should be taken to protect the lives and properties of Sindhis who were the victims of communal disturbances in Godhra and Dhoraji in Gujarat State.
- (iv) Sindhis should be nominated to the Rajya Sabha, Legislative Councils, Corporations, Councils, Zilla Parishad and State-owned Corporations.
- (v) Reservation for Scheduled Castes & Scheduled Tribes and other backward classes in teaching and non-teaching posts as well as for admission to classes in universities and affiliated colleges amounted to undue interference in the educational institutions established and managed by minorities.
- (vi) The matter is under consideration of the State Government.
- (vii) The matter is outside the purview of the State Government. The Minorities' Commission has forwarded this demand to the Minister for Information & Broadcasting for necessary action.
- (viii) The Government of Maharashtra is not concerned. Since the President of the Panchayat has already met the Chief Minister of Gujarat, Chairman of the Minorities' Commission of Ahmedabad, the Prime Minister and the Home Minister, it may be presumed that the State Government of Gujarat would have taken appropriate action.
- (ix) This cannot be accepted because similar demands will come from other linguistic minorities, such as Gujaratis and Kannadigas, which may harm the unity of the State.
- (x) On 6-12-1983, the State Government had clarified that these reservations should not be enforced in minority educational institutions. However, the position was reviewed subsequently and on 1-2-1984, the aforesaid clarification was cancelled. Some managements of the minority educational institutions have filed cases in Courts challenging the enforcement of provisions of Secondary School Code regarding reservations in matters of appointment in their institutions.

1

2

As regards reservation in admissions, the State Government feels that although minority institutions have been given the freedom to manage them they will have to abide by the rules and regulations prescribed by the Government for their satisfactory working.

Note The grievances of the Sindhis in Maharashtra were attended to on the ground that they are a linguistic minority whose rights have also to be attended to by the Minorities' Commission of India, although, it may be borne in mind, there is also a separate office at Allahabad and a separate Annual Report, which is examined by the Minorities Commission, is also issued from that office

CHAPTER VI

COMMUNAL RIOTS

(A. General)

6.1 During the period under report, it has been our misfortune to witness unprecedented riots in various parts of the country in the wake of the tragic assassination of our late Prime Minister, Shrimati Indira Gandhi. The Commission resolved that the Ministry of Home Affairs may be requested to furnish information regarding the measures taken by the Government for rehabilitation of the riot-affected victims in Delhi and the latest position in this regard. It further decided that the Reserve Bank of India may also be requested to furnish a copy of their circular to all the Banks in regard to the facilities provided for relief and rehabilitation of the persons affected by the recent riots. Ministry of Home Affairs have sent a copy of the pamphlet published by the Delhi Administration, which brings out the details of the measures taken for rehabilitation of the riot victims in Delhi. A copy of the pamphlet is enclosed as ANNEXURE XXXVI. Information regarding circulars issued to the Banks received from the Reserve Bank of India, Bombay, is also given at ANNEXURE XXXVII. The Government of India has already set up a Commission of Enquiry on riots at Delhi, Kanpur and Bokaro. Hence, the Minorities' Commission decided not to go into the details. It could properly offer views in regard to these riots only after the reports of the Commissions of Enquiry set up to inquire especially into causes and nature of these riots become available.

6.2 The nature of communal riots in the country has been commented upon in previous reports of the Commission also. Most of the incidents of communal violence are sparked off by minor conflicts on flimsy grounds between the individuals or small groups belonging to the different communities. The anti-social and fanatic elements on each side lose no time in jumping into the fray. Soon the passions are fanned to the pitch of communal frenzy and the situation turns into mob violence. Some planning and building up of tensions due to deliberate designs, of internal and external forces, are also generally present.

6.3 Details of some communal riots have figured in Chapter IV and are not being repeated. Other communal incidents which have come to the notice of the Commission, are enumerated below :—

(B) Reports received from the State Governments

HARYANA

Yamuna Nagar

6.4 The Government of Haryana was asked to furnish a report about incidents of communal nature which occurred at Yamuna Nagar in October 1983. The State Government reported in September 1984 that tension developed at Yamuna Nagar between Hindus and Sikhs due to killings of innocent persons in Punjab. Processions were taken out in the city to show peoples' resentment. Some shops and vehicles were damaged and 26 persons were injured. One Sikh was also killed. A sum of Rs. 10,000 was given to the bereaved family of the deceased and a sum of Rs. 39,000 was sanctioned for rehabilitation of the affected shop-keepers of the city. Local Administration brought law and order situation under control and the Peace Committees restored communal harmony.

DELHI

6.5 Delhi Administration was requested to furnish a detailed report on the incident of communal nature that occurred in Sadar Bazar, Delhi on 6-7-1984. The reply received from it stated that Mohammad Arfin r/o Qasabpura while going to his residence by bicycle collided accidentally with Kishan r/o Gali Jatan. They both exchanged hot words during which Kishan stabbed Arfin on his chest near his neck. Arfin, in bleeding condition, went to his residence. His brother took him to Ram Manohar Lohia Hospital. Meanwhile, groups of both communities collected at Nala Road, Sadar Bazar, and started pelting stones and hurling bottles on each other. Senior police officials rushed to the spot and dispersed both groups. It was pointed out that only Mohd. Arfin was injured; no one was killed and no damage or destruction of property was reported. A case FIR No. 367 dated 6-7-1984 under Section 147/148/149/307/34 IPC, PS Sadar Bazar, was registered & 16 persons were arrested S/202 Welfare/87—6

MADHYA PRADESH

Indore

6.6 The Government of Madhya Pradesh had been requested on 23-9-1983 to furnish a detailed report on the incidents of communal violence at Indore during the first week of that month. The report sent by the State Government on 28-4-1984 stated that on 2-9-1983, hot words were exchanged and a scuffle took place between two groups of tempo-drivers over the issues of parking their vehicles at Yashwant Road, State Bank Tempo Stand. The local administration persuaded the parties to abandon road blockade. However, they resumed obstructions of traffic at 9 AM on 3-9-1983. The Superintendent of Police and the Additional District Magistrate reached the spot. The tempo-drivers assaulted them with swords, lathis, and iron rods. The public also started stoning. In this incident, 11 tempos, 10 scooters, 4 cycles, one vehicle and one Government jeep were set on fire. However, no casualty took place. The estimated loss done to Gurdwara Imli Sahib was Rs. 4000 only. Curfew was imposed in the affected area from 3-9-1983 onwards and it was lifted on 12-9-1983. For restoration of peace, an 'All-Religions' meeting was organised on 5-9-1983 and another meeting was held on 11-9-1983 by the 'Integration Committee'. On 26-9-83 a peaceful settlement of the dispute was announced from the Gurdwara in the presence of the Chief Minister.

MAHARASHTRA

Bhiwandi

6.7 Bhiwandi, a very prosperous industrial township near Bombay, was the scene of gruesome communal riots during May, 1984. Even earlier in 1970, communal disturbances had occurred at Bhiwandi. The background and findings, as highlighted in the newspapers, are narrated here.

6.8 After the 1970 riots, the Government had rehabilitated the victims in new colonies at places like Naya Basti. The power looms started humming with activity once again. New job opportunities were created. More than 50,000 workers and their families came from Andhra Pradesh to take up such jobs. New shanty towns came up on the periphery. Many workers and the unemployed grabbed lands of absentee landlords to set up new residential slums and shanty markets. During the last 15 years,

each one of these slums/markets throw up a local tough/a 'dada'. The slum-lords were as organised as in Bombay.

6.9 The State Government had imposed a ban on taking out processions on the occasion of Shivaji Jayanti on the basis of recommendations of the Madon Commission which had investigated Bhiwandi riots of 1970. This ban, which had been in force for almost 14 years, was withdrawn in 1984 without any rational explanation. The Shiv Sena, joined by Hindu Mahasabha and others, took out a big procession. However, no effort was made to associate either the local Muslim population or their leaders. The simmering tension flared up after 21st April, 1984 when Bal Thackeray made a highly provocative speech at Chowpatty. Travellers brought tales of posters appearing in Bombay, in which Muslims were abused in filthy language. The Urdu magazines from Bombay and Bangalore carried their own versions of Bal Thackeray's speech and wrote inflammatory editorials. By 6th May, every Muslim family was visibly agitated.

6.10 Local Muslim leaders called a meeting on 17th May to denounce the Thackeray speech and sent a memorandum. They were heckled booed and obstructed by militant section of Muslim youth, who demanded 'direct action'. On Shah-e-Baraat orthodox Muslims hoisted green flags on roof-tops of their houses just as Christians put up illuminated stars during Christmas week. However, anti-social elements spread a false propaganda that these decorations were National Flags of Pakistan. Muslim youths, who sought to put up the flag in a place called Ghunghat Nagar, were challenged by Shiv Sena youths and beaten up. They returned with their supporters, confronted the Shiv Sena and assaulted them. The Shiv Sena men went back to their camp. By the nightfall, 500 to 1000 people had assembled on the periphery of the town.

6.11 The armed mobs struck all along the peripheral slumps by 5 AM on 18th May. Large number of vehicles were stopped, drivers were killed, and the trucks and cars were looted and burnt. According to Police, the casualties on the first day was 17 dead and 100 injured. Curfew was declared at 6 AM and Army was called out to help civil power. The Army took positions by the early morning of 19th May. It was alleged that SRP remained mute spectators, their jawans waited for officers to sign firing orders. However, very often, the armed pickets were not sufficiently strong to face the armed mobs. The riots continued on

the peripheries of Bhiwandi and spread over to Thane, Bombay and Kalyan. Another mob was preparing to repeat the attack on Ansari's farm. In all, 57 persons were reported killed in Bombay, 87 in Bhiwandi, 49 in Thane and 10 in Kalyan.

6.12 Shrimati Indira Gandhi and Shri Rajiv Gandhi visited the affected areas which, to some extent, restored the confidence of poor people. Government of Maharashtra restored peace and provided immediate relief to the people. Chief Minister, Vasant Dada Patil, himself laid the foundation stone of 1000 hutments and promised that these would be completed by middle of June before the onset of the monsoon.

6.13 It seems the riots at Bhiwandi were not exactly communal in character. The attack at Ansari Baug, where 20 men were roasted alive, was undoubtedly an act of communal frenzy. However, there are several aspects which point to a different explanation. For instance, it was argued in a report which appeared in National Herald on 1st June 1984, that had the rioting been purely communal, it would have swept the whole area in and around Bhiwandi almost simultaneously. The scene of violence, on the other hand, kept shifting to areas out of the way of advancing army. Secondly, it was pointed out that while in 1970 riots, most of the killings and arson took place in densely populated localities inside the town, in 1984, the major sites of conflagration were the slumps on the outskirts. These slums housed the poor of all communities, but these were the huts which were reduced to ashes. In Bombay also, the worst affected area by arson were the slums and markets which had come up on encroached land. Slums are always the first target of violence because they get very little protection from the police. They have to suffer at the hands of criminals who operate from these areas or rush there to hide from the police dragnet. The slum dwellers who sought refuge in relief camps were a mixed bag of all communities and had come to Bhiwandi from different States.

6.14 There was a general belief amongst the victims of riot, both Hindus and Muslims, that landlords and the local underworld exploited the communal situation to burn out the shops and shanties which had been built on their real estate by the encroachers. Perhaps, it was the growing prosperity of this little power-loom town that prompted this violence and carnage. The organised sector of textiles was feeling very threatened by the cloth boom in Bhiwandi small power-loom units which were

liberally mushrooming in the slums and other areas. These became the major targets of assault.

6.15 The Commission resolved that a detailed study on the Bhiwandi riots may be assigned to an expert to enable it to formulate its views. It was decided to entrust the study to Shri Tabrik Currimbhoy. A copy of the report submitted by him is enclosed as ANNEXURE XXXVIII.

This report entrusted to an outside investigator is incomplete as certain directions given by the Commission have still to be complied with. The Commission's own analysis could be reliable only if it is based on a full ascertainment of facts involved. The Commission has felt the need for a complete and thorough and reliable ascertainment of facts before offering its own analysis on the ascertained special facts of Bhiwandi and Thane riots.

The Commission, however, emphasizes, the need, as it has done earlier, of reliable investigation of causes and nature of the trouble and firm action to deal with the trouble-makers as well as long term educational planning to deal effectively with the deeper causes of any real cultural conflict as opposed to artificial provocations to serve special interests of some people who should be identified satisfactorily and their anti-national and anti-people activities and motives exposed.

GUJARAT

Sidhpur

6.16 The Commission had received a telegram on 22-11-1983 stating that "Communal riots since last two months. Administration with Hindus, Muslims are arrested. All leading Muslims arrested on baseless allegations. Muslims decided to migrate from Sidhpur on 22nd November. No alternative".

6.17 The Government of Gujarat was requested to furnish a detailed report on the incidents of communal violence in Sidhpur. The report sent by the State Government on 30-3-1984 indicated that apparent cause of the incident on 17-10-1983 was stone-throwing on a 'Tazia' procession by Hindus which enraged the Muslims. It was further reported that Police burst 4 teargas shells and fired 2 rounds to control the situation. Curfew was also clamped. On 13-11-1983, Muslim passengers allegedly assaulted Hindu rickshaw drivers at Sidhpur. This led to several

incidents of stone-throwing and assaults. The Police burst 6 teargas shells and fired 2 rounds to control the situation. Curfew was also imposed. The State Government organised meetings of leading citizens of both the communities to restore communal harmony. It also provided relief to riot affected persons which included Rs. 315 as cash and Rs. 375 as household kits. No report about any further incident was received by the Commission. The misreporting by the Press and incitement caused by false rumours also suggested conspiracies by interested persons.

Bardoli and Jamnagar

6.18 It was reported in several newspapers that incidents of communal nature occurred at Bardoli and Jamnagar towns of Gujarat State in June, 1984. The State Government have furnished a report, which is summarised below :—

(a) Bardoli

6.19 Communal tension was brewing over the alleged incident of rape of an Adivasi widow by three Muslims. Several incidents of assault and arson took place at Bardoli since 29-5-1984. The Peace Committee meeting broke down due to some indiscreet remarks by one of the speakers. It was followed by incidents of arson and assaults. On 19-6-1984, yet another incident of alleged rape of a Hindu woman by a Muslim sparked off communal frenzy, causing extensive damage to the properties by arson. Its repercussions spread to nearby villages of Madhi, Vyara and Budhari. Muslims, who had collected in a mosque, attacked a procession of Hindus with deadly weapons. Police had to fire 16 rounds. 166 persons (132 Hindus, 34 Muslims) were injured and property worth Rs. 1,79,070 was destroyed. These are, of course, the official reports.

(b) Jamnagar

6.20 On 19-5-1984, there was an altercation between a Hindu cycle repairer and a Muslim customer. This led to throwing of stones on houses of Hindus. The situation flared up on 21-6-1984 when 11 incidents of scuffles and assaults were reported. One Hindu and 1 Muslim were killed and 12 persons injured. Property worth Rs. 2,270 was destroyed in these incidents.

Cambay

6.21 A representation was received from the President, Gujarat Muslim Heet Rakshak Samiti, Amod, regarding an

incident of communal nature at Cambay in May, 1984. A reference was made to the Government of Gujarat in order to ascertain the factual position. The State Government have furnished a report stating that a quarrel ensued between groups of Hindu and Muslim youths over eve-teasing of a Hindu girl by a Muslim youth on 25-5-1984 during a marriage procession at village Sakarpara. Hindus rebuked Muslims who retaliated by assaulting them. Both communities pelted stones at each other, followed by further violence and arson. Police had to fire 2 rounds from service revolver, 4 rounds from musket and 12 rounds from rifle. Curfew was clamped from 25-5-1984 for an indefinite period. Situation was brought under control immediately. 15 Hindus and 10 Muslims were injured. Property worth Rs. 2,24,275 (Rs. 1,50,525 of Hindus and Rs. 73,750 of Muslims) was destroyed or damaged. Information on relief and rehabilitation measures is still awaited from the State Government.

KARNATAKA

Hubli

6.22 According to a report received from the Government of Karnataka, group clashes erupted in Hubli town following an altercation between a Muslim auto-driver and a Hindu pedestrian in Divategalli, Hubli. Soon after, news of this incident spread in the city, clashes erupted in Divategalli, Kamaripet, Govi Oni, Toravi Hakkal, Bakalegalli, Mullan Oni, Ganeshpet, Bindargi Oni, Mastansofa, Veerapur Oni, C. Ada and settlement localities. Incidents of arson, looting, pelting of stones and soda bottles were reported. The Director-General and Inspector-General of Police rushed to the spot immediately. The Police had to open fire when lathi charge and bursting of tear-gas shells proved ineffective. Dingdong battle between two communities continued till late in the evening. The violence, which had spread throughout the city, could be brought under control late in the night. Eight persons were killed (7 by bullets and 1 by IG shells) & 79 were injured. Extensive damage was caused to a number of buildings, shops, temples, mosques and other establishments at Ganeshpet, Toravibakkal, Bindargi Oni, Bakalegalli, Kamaripet, Old Hubli and Mullan Oni by antisocial elements of both the communities. Total loss or damage was caused to the extent of Rs. 25.41 lakhs, as assessed by the Special Deputy Commissioner, Dharwad district. Ex-gratia relief was paid to the families of deceased and to those who were injured or property was lost/damaged. Interest-free loans were also sanctioned to persons who suffered

heavy losses. A Commission of Inquiry headed by the District and Sessions Judge, Dharwad was appointed to inquire into the police firing at Hubli on 4-5-1984. Its report is awaited.

6.23 On the basis of news-item published in the press, a reference was made to the Government of Karnataka requesting detailed information regarding the incident of communal nature that occurred at Hubli again on 24-6-1984. The State Government has reported that communal violence spread in Hubli city on 24-6-1984 at about 1200 hrs. when an auto-rickshaw driver (a Muslim) dashed against a 4-year old child (Hindu) in Hubli city. The driver attempted to speed away. His auto was surrounded and set on fire by a group of residents of the locality (Hindu-'pattegars'). The driver was also assaulted. The police rushed to the spot and extinguished the fire. The auto-driver and the child were shifted to the hospital. Arrangements were also made for police patrolling in the area. One hundred and thirty-five persons were rounded up. Hearing this news, groups of both the communities indulged in stabbing, arson, and looting throughout the city. Incidents of stabbing and assault in some areas in Hubli city were reported on 25-6-1984 also. During these incidents, 4 persons died due to stabbing and stoning and 33 persons were injured. Total loss/damage of property was reported as about Rs. 21,750. An ex-gratia relief of Rs. 7500 each was sanctioned to the dependents of the four persons killed and an amount ranging from Rs. 500 to Rs. 2000 was sanctioned to 33 injured persons. The situation was diffused and the communal harmony restored, as a result of the meetings of Peace Committee set up by the District Administration, appeals made by the State Minister and Director-General of Police and the initiative taken by Swamiji of Murusavira Mutt.

Belgaum

6.24 On the basis of a news-item which appeared in the press on 8-10-1984, the Government of Karnataka was requested to furnish a report on the incidents of communal nature that occurred in Belgaum on 6-10-1984. The State Government have reported that the 'Hindu Ekta Andolan' unit of Belgaum city, supported by a handful of Marathi-speaking people, had been agitating since 1982 over renaming of Pimpal Katta Chowk Jinnah Chowk as Veersavarkar Chowk. This was opposed by Muslims. Differences between Hindus and Muslims over the issue was one of the main causes of the riots. Shri Shabbir Abbasab Chowdri, said to be mentally unsound, defiled the Garusha Temple in Shahpur area, Belgaum city, on the night

of 4th/5th October, 1984. Hindus got agitated and took out a procession on the morning of 5th October, 1984. It went to the Deputy Commissioner's office protesting against the act of desecration. Some of the processionists pelted stones and forced the shopkeepers en route to close down their shops. There were stray incidents of stabbing, arson, and looting of shops. Muslim owned shops were ransacked. Both Hindu and Muslim groups indulged in violence. The Police resorted to lathi-charge. Prohibitory order u/s 144 Cr.P.C. was promulgated for three days. On 6-10-1984, a 'bandh' was observed in Belgaum which was near total. In the afternoon, there were incidents of stone pelting, erection of road blocks, arson and looting. The Police resorted to lathi-charge. Fifty-five persons (23 Hindus, 26 Muslims and 6 Police personnel) sustained injuries. Fagruddin Ghouse Mohiudeen Peer Zada (31), who had sustained stab injury on 8-10-1984, died at Miraj Hospital on 11-12-1984. The loss/damage to property was reported to the extent of Rs. 16,70,933 (Rs. 1,52,872 of Hindus, Rs. 15,17,561 of Muslims and Rs. 500 of others). An ex-gratia relief of Rs. 3,44,166 was sanctioned to 199 persons, who suffered loss/damage to their property, Rs. 78,000 were released from Chief Minister's Relief Fund for payment to 42 persons, who were injured and to the relations of the persons who died in the hospital. Damage to places of worship in 8 cases was estimated to be Rs. 48,500. The repair work was entrusted to Public Works and Electricity Departments. A Peace Committee meeting was convened in the office of the Corporation on 7-10-1984, which was attended by the District Officers and leaders of both communities. At the meeting, an appeal was made to community elders to maintain communal harmony. Later, Muslim Corporators and other leaders went on 'Padyatra' in the affected areas appealing for peace in the town.

UTTAR PRADESH

Pahasu (Bulundshahr)

6.25 Incidents of communal violence at Pahasu in Bulundshahr district of Uttar Pradesh were reported in the press on 7-10-1984. The Government of Uttar Pradesh was requested to furnish detailed information regarding these incidents. The State Government have reported that on 2-10-1984, representatives of Hindus and Muslims had been invited to a meeting in Pahasu Police Station on 2-10-1984 to finalise routes for the processions connected with the impending festivals of Muharram and Dussehra. Restrictions u/s 144 Cr.P.C. were also imposed. An

authorised route was prescribed. The procession of Kali Devi (Dussehra) had retreat after reaching the shop of Shri Raj Kumar Garg situated in Mohalla Chowk Bazar. On 4-10-1984, when the procession reached that shop, some anti-social elements in the procession insisted on moving beyond that shop. The police tried to stop the procession. Meanwhile, some members of the Muslim community also reached this spot and opposed the forward march of the procession because that amounted to contra-vention of the agreement on 2-10-1984. At this stage, somebody threw a stone on the crowd which led to stone-throwing by both communities. Someone in the crowd also shouted that shops in the Ramlila Ground had been set on fire. This excited the crowd and some stalls in the bazaar were set on fire. The Police fired 5 rounds in the air to disperse the crowd. The fleeing rioters indulged in arson and loot. Several persons, including Police personnel, received simple injuries. Forty-four shops/houses were looted. The area Magistrate reached the spot and 8 persons indulging in arson and loot were taken into custody by the Police. Curfew was imposed in the town and Fire Brigade was called out to extinguish fire. During these incidents, 71 persons were arrested (47 Hindus and 24 Muslims). Representatives of both communities were called to the Police Station where they condemned the violence. A meeting of eminent persons was also held under the chairmanship of the District Magistrate and Peace Committees were formed for each Mohalla in the town. A 'Peace March' was taken out on 7-10-1984 and the tension subsided considerably. A sum of Rs 43,550 was sanctioned as relief to the riot-affected persons.

(c) *Growth of Violence*

6.26 This Commission regrets to notice the growth of violence in our politics which seems correlated to the increasing importance of this country in international affairs. It has been said that witnesses may lie but circumstances do not. They point unmistakably to certain world currents which do not leave this country unaffected. Nevertheless, there are certain drives towards violence which are special and peculiar to the conditions prevailing in this country today. Both the world current as well as internal forces have to be carefully studied before a satisfactory assessment can be made of their relative importance or effectiveness of proposed solutions. This Commission can, however, notice the existence of these forces and catalogue factors which disturb or support inter-communal harmony with a view to aiding correct

analyses and indication of the directions in which solutions would lie.

6.27 No Government, which seeks to maintain the unity and integrity of the country, can afford to sit silently and watch the development of forces of violence intended to disintegrate the country by attempts at what is known as "destabilisation"—a term which has acquired international significance in view of what we know of attempts in various countries. At any rate, it shows that some of these forces are operative throughout the world. In these circumstances, it becomes the special duty of the Government as well as the people of India to maintain that discipline which is needed not only for the success of democracy but also for sustaining progress and prosperity of the whole nation.

6.28 This Commission has, in the past, recommended energetic action on three fronts: Firstly, action on the law and order front where severe and adequate punishment for dereliction of duty and for encouragement given to communal violence directly, or indirectly, by those holding offices or positions of authority in particular, and a system of rewards for those who perform their duties well in very trying circumstances. Reports received by us from Governments and their officials indicate a healthy trend towards adoption of our recommendations on this front. But, we think that clearer, firmer and more extensive and well-directed efforts in this direction are still needed. Information given to us is not enough to enable us to applaud results shown. Secondly, we have urged a highly improved system of detecting the nature and causes of trouble which assumes the form of what is believed to be communal violence. This can only be attained by better methods of detection instead, as we fear, adoption of what the Police in our country is largely responsible for by giving tendentious or even false reports. We are not able to lay our finger on specific falsifications in official reports. But, a reading of official versions of riots and their causes will show a tendency to place the blame on a particular community without objective analyses of exploration of probabilities. If the officers were impartial and the machinery of detection were efficient, we could expect better results and more reliable versions. Our distrust is based partly on lack of logic disclosed by some of the behaviour attributed to large groups without disclosing evidence or natural probabilities affecting causation. We have not undertaken, for lack of qualified staff, our own investigations. Therefore, we can only state our

suspicions based partly on the reputation of and our own knowledge of the methods of the Police which, unfortunately, do not inspire confidence. Not infrequently, the Police adopts mis-statements. It supports what may be true cases by deliberately mendacious evidence. However, here we are, quite frankly, in the realm of conjectures only. We hope that pending inquiries will go into this aspect too and disclose facts which could dispel the public's suspicions effectively. Thirdly, the long-term results of a new kind of education to transform the thoughts and feelings of people in general in our country, towards their own varying cultural heritages and also towards the common heritage of all the people of the country, should be expected. This new education policy with the aid of a new kind mechanism, as a long-term measure, could, and we hope, will enable us to get rid of that canker of what is called communalism. Communalism, turns out, on deeper analyses, to be motivated largely by socio-economic and political considerations. Hence, with the spread of democratic notions and assertions of democratic rights and greater political and economic rivalries, some unhealthy consequences of these must manifest themselves. It is necessary, by means of a new kind of mechanism, to prevent these rivalries from exploiting communal or religious or cultural or regional differences in order to succeed. Such exploitation has to be clearly exposed and shown to be harmful to all. This Commission does think that a great deal of activity has been exhibited by State and Central Governments to activate cultural revivals. To what extent its results will bring about a beneficial transformation of our society and integrate it better awaits future developments. Once again, the exact character and effect of each effort needs appraisal by experts.

6.29 The assassination of late Prime Minister, Smt. Indira Gandhi, which is the subject matter of investigation by another Commission, should compel us to be more vigilant in the directions indicated above. Unfortunately, the wave of communal frenzy against Sikhs, as a whole, due to a mistaken association between Sikhs and the assassination of the late Prime Minister, led to outbursts in which a number of innocent people lost their lives or were made to suffer in many ways—mental, physical and material. This unduly encouraged the spreading spiral of what is known as narrow fundamentalist communalism. Terrorism and senseless attacks on the innocent necessarily followed.

6.30 This Commission has treated religion as a part of culture. The remedy for unhealthy manifestations lies in breaking the cultural shells into which people retreat. These do not provide real safety or security. They can only suffocate those who retreat into them. What is required is better understanding which only a new education policy can give. This is a slow process. It has to be accompanied by new drives and movements to propel a movement of all our people towards directions indicated by our Constitution. This Commission's efforts have been directed toward, recommending measures propelling everybody and, in particular, the minorities in right directions. All its recommendations are intended to facilitate this.

(D) Guidelines on rehabilitation of and payment of ex-gratia grant to the victims of communal riots.

6.31 The Commission has observed that measures of rehabilitation and scales of ex-gratia relief to the victims of communal riots varied from State to State. The guidelines issued by the Ministry of Home Affairs and the position about their implementation by various State Governments are placed at ANNEXURES XXXIX and XL.

(E) Principles for Inter-Religious Harmony and Emotional Integration

6.32 In July 1984, the Commission received a letter from Prajapita Brahma Kumaris Ishwariya Vishwa Vidyalaya, New Delhi, enclosing a pamphlet brought out by them on 'Principles to be observed for Religious Harmony & Emotional Integration'. The Commission generally endorsed these principles, which are summarised below :—

- (i) We should consider all human-beings, to whichever religion they might belong, as our brothers and the humankind as a family.
- (ii) We should give supreme importance to non-violence, tolerance and forgiveness in our inter-religious relationship and should respect other religions just as we wish our religion to be respected.

- (iii) We should believe that every one has the right to make a comparative study of all religions, including our own. One has also the right to be critical, but with sympathy, politeness and fairness. However, no one has the right to condemn, calumniate, belittle, or use abusive language for beliefs, tenets, practices, symbols, holy places, revered Prophets and Saints of any religion. This does not preclude one's right to denounce acts of historical figures who, in the name of religion, whatever be its name, perpetrated cruelties, invaded countries, persecuted people, or committed crimes against humanity. However, such condemnation should not be directed against any particular religion or the founder of a religion. There is, in other words, a duty to take care not to hurt "religious sentiments" by false and malicious attacks. But, rational criticism, in harm-free language, is permissible.
- (iv) We should not support or participate in, or sympathize with any act of forcible conversion, or of proselytisation of illiterate and uneducated people by tempting them with wordly rewards, or for building a place of worship supplanting the one which belonged to another religion. We should cooperate with the Government and the civil authorities when we take out our processions. We can hold gatherings, and celebrate special occasions, taking the precaution that they do not create ill-will or tension, or public nuisance, or disturbance, or hurt the feelings of members of other faiths.
- (v) We should not hide or give shelter to people, professing our religion, who indulge in violence, arson, and loot or spread hatred against other religions nor should we justify their acts.
- (vi) Religion should not be mixed with politics or used as a vote-catching device, or for satisfying someone's lust for power, or for anti-national activity of any sort.
- (vii) We should not encourage divisive tendencies on the basis of caste, cult, or creed nor should we debar

persons of another caste or religion from gaining access to religious places of worship or to scriptures

6.33 It may be observed, from the above summary, that the Prajapita Brahma Kumaris' movement is one of the reformist movements which, from time to time, arise within the "Hindu" fold. It is true that it recognises no distinctions of caste, creed, race, nationality, or place of residence amongst those who join or follow it. It is "Hindu" only in the sense that its progenitor was an Indian.

6.34 Despite the fact that the term "Hindu" or "Hindi" has not entirely shed its original geographical meaning of one who comes from the land of the river Indus, in which it seems to be still used in some countries, such as France, it has, in its religious extensions too, a very broad significance. It stands for more than a single system of religious faith or of beliefs and thinking on social matters. It could not be identified with some fixed "fundamentals" or an unchanging essence.

6.35 The Brahmakumari movement, of "Hindu" origin, in the sense explained above, obviously affirms principles found in our Constitution as well as in the Universal Declaration of Human Rights. Therefore, we could, perhaps, say that its political and social implications are much wider than those of traditional "Hinduism". It is, we think, in this broad sense that this term was used when Expl. II of Article 25 of our Constitution says

"In sub clause (b) of clause 2, the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina, or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly."

Now, if we look at sub clause (b) of clause (2) of Article 25 of our Constitution, we find an exemption from the ambit of protections of Article 25 reserved for laws for "providing for social welfare and reform or the throwing open of "Hindu" religious institutions of a public character to all classes and sections of Hindus". Such laws, being progressive, are given a separate special protection.

6.36 A question could well arise, in view of the special reformist and religious and "Hindu" (in the sense indicated above) beliefs of those following Prajapita Brahmakumari faith whether its followers are also entitled to this special protection of those

who could call themselves a section of Hindus. The specification of only three kinds of religious beliefs, mentioned in Expl. II., could be used against an extension of this protection to those holding the Prajapita Brahmikumar beliefs. Would courts extend the protection of Expl. II to every deviant or reformist set of Hindu beliefs ? Perhaps not.

6.37 It could be submitted that the ambit of this special protection should, therefore, be widened or clarified to include all even "monority" beliefs which could be "religion" of those who profess a "Hindu" religion. The term "Hindu" would then embrace a congeries of religious systems. It would, as it should, stand for more than one "religion". This may mean that all those who call themselves Hindus will be entitled to a special protection which should not, on principle, be confined to Sikhs, or Jainas, or Buddhists. It is, therefore, suggested that the following words be added after the words "Sikh, Jaina, or Buddhist religion" in Expl. II of Article 25 in our Constitution:

"or any other religion professed by anyone who describes himself as a "Hindu" by religion".

CHAPTER VII

IMPLEMENTATION OF THE GUIDELINES ISSUED BY THE LATE PRIME MINISTER FOR THE WELFARE OF THE MINORITIES

7.1 The Minorities' Commission is, inter alia, required to review implementation of policies pursued by the Union and State Governments with respect to the minorities. One such important policy directive of the Union Government, which engaged the Commission's attention, was a letter dated 11th May 1983, from Smt. Indira Gandhi to all Members of her Council of Ministers. A copy of the letter was also sent to all State Governments for implementation. (See ANNEXURE XLD)

7.2 The late Prime Minister had met several delegations of Members of Parliament and other representatives of various minority groups. She discussed with them the measures to prevent recurrence of communal violence and to improve the economic condition of minorities. On the basis of these discussions, she wrote the above-mentioned letter spelling out 15-Point Guidelines for curbing communalism and ameliorating socio-economic conditions of the minorities, and thus promoting the cause of national integration.

7.3 The Guidelines contain pragmatic suggestions such as—

- (1) measures to prevent communal riots.
- (2) steps for improving the prospects of recruitment of minorities to State and Central Services.
- (3) other measures which ensure flow of full benefits to the minorities from various development programmes.
- (4) removal of local irritants to minorities, such as encroachment on Waqf properties and graveyards, and
- (5) setting-up of special cells to attend to the problems of minorities on a continuous basis.

7.4 On 15-1-1984, the Minorities' Commission, Government of India convened a Conference of the Chairman, State Minori-

ties Commissions at New Delhi to discuss the implications of these Guidelines. The Conference adopted the following Resolution :—

“We heartily welcome the Guidelines issued by the Prime Minister regarding communal disturbances and for the amelioration of the conditions of minorities and thank her for them. This Conference requests the Central and State Minorities’ Commissions to obtain information from the concerned Governments regarding the extent of implementation of the Guidelines.”

7.5 On 2-8-1984, copies of the aforesaid Resolution were circulated to all State Governments/Union Territories Administrations for taking appropriate action. The Commission also issued a circular on 30th August 1984, to Nodal Officers of all States/Union Territories requesting them to furnish to the Commission Quarterly Reports indicating item-wise progress of implementation of the 15-Point Guidelines.

7.6 During the period covered by this Report, the under-mentioned State Governments and Union Territories’ Administrations have furnished reports to the Ministry of Home Affairs and Minorities’ Commission for the quarters indicated against them :—

Name of the State	Quarter Ending
1. Bihar	June, 1984.
2. Himachal Pradesh	September, 1984, December, 1984 & March, 1985.
3. Karnataka	September, 1984 and March, 1985.
4. Madhya Pradesh	December, 1984 and March, 1985.
5. Maharashtra	June, 1984.
6. Rajasthan	December, 1984 and March, 1985.
7. Tamil Nadu	September, 1984, December, 1984 and March, 1985.
8. Uttar Pradesh	June, 1984, September, 1984, December, 1984 & March, 1985.
9. Arunachal Pradesh	June, 1984 & September, 1984
10. Chandigarh	September, 1984.
11. Goa, Daman & Diu	September, 1984.
12. Lakshadweep	December, 1984.
13. Mizoram	September, 1984.

7.7 It will be observed that several States have not furnished the reports asked for. Even those States which have responded have not been regular in sending their Quarterly Progress Reports. The reports received by the Commission have been compiled, State-wise, in the Statement placed at ANNEXURE XLII.

7.8 Some of the important measures said to have been taken by State Governments/Union Territories' Administrations, are summarised below :—

(A) *Communal Riots*

(i) Bihar Government has established three special courts at Patna, Bihar Sharif and Jamshedpur to expedite the disposal of cases arising from communal riots in Jamshedpur in 1979 and in Bihar Sharif in 1981. The families of persons killed in these two riots are reported to have been paid ex-gratia grant of Rs. 10,000 each. Cases under Sections 153-A/295-A of IPC have also been registered against the writers of books containing derogatory remarks against Prophet Mohammed.

(ii) Himachal Pradesh Government has issued comprehensive guidelines to all District Magistrates and Superintendents of Police to act firmly and promptly during communal riots and to promote communal harmony. The Government has also introduced a scheme of giving commendation certificates and cash prizes to the Civil and Police officials of the districts who do good work in maintaining communal harmony in communally sensitive and riot prone areas.

(iii) Karnataka Government has issued instructions to all District Magistrates and Superintendents of Police that they would be responsible for maintaining communal harmony in their jurisdiction. The State Government has also set up 5 Special Courts manned by District and Session Judges in different areas. Besides, instructions have been issued to the press to avoid publicity of such articles/news which may foment communal feelings. Action has been taken against three newspapers under Sections 153-A and 295-A IPC for publishing objectionable material. A scheme has been introduced to give awards to officers who help in promoting national integration and maintain communal harmony in the areas under their control.

(v) Madhya Pradesh Government has posted officers with reputation for efficiency and secular outlook in the communally sensitive areas. The State Government has accepted the guidelines issued by Ministry of Home Affairs for rehabilitation of victims of communal riots. The Government has also issued instructions to district authorities to keep a vigil on the publication of such news which may incite communal violence.

(vi) Maharashtra Government has given awards to 71 Police officers and 216 Policemen for doing good work during the communal riots which occurred in the State during 1984. 7902 persons were arrested in Bombay, Kalyan, Thane and Bhiwandi. Two Special Courts have been set up at Nasik to try cases registered during the communal riots in Malegaon in November, 1982 and June, 1983. The Government has also decided to set up 3 Special Courts in Bombay and Thane. The persons who lost their houses have been compensated as per scales fixed by the Government.

(vi) Rajasthan Government has issued instructions for the posting of efficient, impartial and secular-minded officers in communally sensitive areas. A scheme for reward for good work done has also been introduced. The Government has accepted the guidelines issued by the Government of India for rehabilitation of communal riot victims. The State Government has also agreed to give employment to one member of a family affected by communal riots, which has no other source of livelihood. Instructions have been issued to Radio and T.V. authorities to focus on programmes for restoring confidence, communal harmony and peace in affected areas.

(vii) Tamil Nadu Government has decided to award Merit Certificates, cash awards/Medals to such police officers who maintain communal harmony in the areas under their command and take severe action against those who incite communal violence. Proposal regarding setting-up of Special Courts is under consideration of the Government. Necessary instructions have been issued to district authorities for rehabilitation and making ex-gratia payment to the victims of communal riots. AIR and TV have been requested to give coverage to programmes for promoting communal harmony.

(viii) Uttar Pradesh Government has issued necessary instructions to district authorities for maintaining communal harmony. Efficient and impartial officers are being posted in riot prone areas. Persons inciting communal tension have been

arrested at different places under National Security Act. Provision for ex-gratia payment to riot victims already exists. A scheme has been introduced for giving rewards/commendation certificates to those who effectively deal with communal riots and maintain communal harmony. Radio and TV have been advised to focus on programmes promoting national integration. Strict watch is kept on publication of objectionable material.

(ix) The Union Territories Administrations of Arunachal Pradesh, Goa, Daman & Diu, Lakshadweep and Mizoram have informed that there has been complete communal harmony and there has been no instance of communal riots in these Territories. Even so, instructions have been issued by the U.T. Administrations of Arunachal Pradesh, Lakshadweep and Mizoram to all concerned to promote and maintain communal harmony.

(x) The Chandigarh Administration has informed that this Territory had been free from communal tension in the past. However, as a consequence of the Punjab problems, the Territory had to experience such incidents in the last few years. The Administration has, therefore, issued necessary instructions to the concerned authorities in this regard. It has introduced the schemes of reward to such District/Police officials who maintain communal harmony in the areas under their control. It has also decided to set up Special Courts. Guidelines issued by the Union Government for rehabilitation and making ex-gratia payments to victims of communal riots have been accepted by the Administration.

(B) Recruitment to State Police Forces

Himachal Pradesh Government has issued instructions to all Inspectors-General of Police to give top priority to minorities in recruitment to Police Force in the State. Madhya Pradesh Government has also issued instructions for showing special consideration to minorities in recruitment to police forces. Government of Maharashtra has reported that they are already following the policy of giving special consideration to minorities. Tamil Nadu Government has issued instructions to concerned authorities for showing special consideration to candidates from minority communities in recruitment to P.A.C. and Police Forces. Orders have been issued for setting up of representative Selection Committees for recruitment of Police personnel and vacancies are being widely publicised.

(C) O / a Measures

(i) Bihar Government has set up a ~~Minorities~~ Finance Corporation for their assistance. Members from minority communities are reported to have been included in the committees for implementation of 20-Point Programme. Urdu has been declared as second official language in 15 districts in the State. Government has appointed Translators, Typists and other officials under this Scheme.

(ii) The Government of Himachal Pradesh have declared the Gujjars of Chamba, who are mostly Muslims, as Scheduled Tribes and they get all the facilities which are available to Scheduled Tribes. Provision of extending coaching facilities to them is also under consideration. Necessary instructions have been issued to district authorities to look into grievances related to encroachment on Waqf properties and graveyards. A special cell has been set up under the direct supervision of Commissioner-cum-Secretary (Home) to look after grievances of minority communities.

(iii) Karnataka Government has started coaching centres for the minorities in five districts. Schemes for setting up of ITIs in areas mostly inhabited by minorities are under consideration. Necessary instructions have been issued for associating members from minority communities with various committees set up to supervise implementation of educational and developmental programmes. District authorities have been advised to expeditiously settle disputes pertaining to Waqf properties.

(iv) The Madhya Pradesh Government intend to constitute a cell in the Home Department for Welfare of minorities. The scheme for starting coaching classes for the minorities is also under consideration. The Government has decided to open ITIs and Polytechnics in districts predominantly inhabited by minorities. Instructions have been issued to district authorities to look into problems regarding encroachments on Waqf properties and graveyards.

(v) The Government of Maharashtra has established a Minority Cell in the General Administration Department. Coaching classes have been started in the minority educational institutions. Proposals for setting up of Polytechnics and ITIs in districts with substantial Muslim population are under consideration. Collectors have been instructed to remove encroachment on graveyards under Section 50 of Maharashtra Land Revenue Act, 1966.

(vi) Rajasthan Government has issued instructions to the authorities concerned for giving special consideration to the minorities in their recruitment. Revenue Department has issued fresh instructions to the district authorities regarding encroachment on Waqf properties and graveyards. Minorities Cell has been set up in the Home Department which coordinates and collects information from the concerned departments.

(vii) Tamil Nadu Government has issued instructions to public sector undertakings to give special consideration in the recruitment of minorities. Some sections of Muslim community have been classified as Backward Classes in Tamil Nadu and they are eligible for admission to a Special Training Institute in Backward Classes run by the State Government. Polytechnics/ITIs have been set up in the areas with substantial minorities population.

(viii) Orders have been issued by the U.P. Government in August, 1984 for nominating a minority representative on the Selection Committees. Coaching classes have been started in four Universities. New polytechnics have been opened in 4 districts and ITIs have been set up in 15 districts having substantial minorities population. The State Government is considering amendment of Waqf Act to make it more effective for removal of encroachment on Waqf properties and graveyards. A Special Cell has already been set up under the chairmanship of Finance Minister to look after the welfare of minorities.

(ix) Chandigarh Administration has issued instructions to Heads of Boards/Corporations to give special consideration to minorities in recruitment. The Administration in Goa, Daman and Diu has also issued similar instructions. It has also initiated action to start coaching classes for minorities. There is a High Power Committee to oversee the implementation of 20-Point Programme headed by Revenue Minister who belongs to Muslim minority community. There are no Waqf properties in the Territory and, therefore, there is no problem in this regard.

7.9 It would be noticed that some of the actions mentioned in the preceding paragraph are in line with the recommendations made by the Commission in its earlier Reports. For instance, the need for solving the problem of lack of employment opportunities to the members of minority communities had been repeatedly emphasised in the Commission's First Report (Para 18), Fourth Report (Para 10.15) and Sixth Report [Recommendation No. B(5) in Chapter-IX]. The desirability of taking

steps to provide educational facilities to the students belonging to the minority communities with a view to bringing them upto the required standard, which implied starting of coaching classes for them, was pointed out in the First Report (Para 19) and Sixth Report [Recommendation No. B(6) in Chapter-IX]. The Commission has also been advocating immediate relief measures as well as adequate monetary assistance and materials to the victims of the riots to enable them to re-build houses and shops and to earn their livelihood, *vide* its Second Report (Paras 3.10 and 3.11) and Third Report (Paras 10 and 12 in Chapter I). Demarcation of the properties of religious trusts and removal of encroachment thereon by the local authorities and enactment of a suitable and uniform legislation for the management of Muslim Waqfs had been recommended in the Commission's Fourth Report (Para 10.10) and Fifth Report [Recommendation No. IX(i) in Chapter-IX]. For effective measures to prevent communal tension in the sensitive and riot prone areas, the Commission had made practical suggestions in its Fourth Report [Suggestion Nos. (ix) to (xi) at Page 307] and Fifth Report [Recommendation No. IX(ii) to (vi) in Chapter-IX]. Recommendation for starting technical institutes in areas predominantly inhabited by minorities for the benefit of backward sections, according to the availability of natural resources and their aptitudes and acceptability for certain profession in particular areas, was made in the Sixth Report [Recommendation No. A(5) in Chapter IX]. In Recommendation Nos. A(1), (2) and (3) of the same Report, it has further been recommended that the Central and State Governments should take effective measures to enable all economically backward sections of minority communities to get benefits of the various schemes committees should be constituted at the block level for monitoring fair distribution of the benefits flowing from the 20-Point Programme of the Prime Minister and such committees should be representative in character.

CHAPTER VIII

THE PRIME MINISTER'S ASSASSINATION

On 31st of October, 1984, the news of the assassination of our very dear and revered Prime Minister, Shrimati Indira Gandhi, struck the nation like a bolt from the blue. The Commission of India met especially to pass a Resolution and the following was released to the Press about it —

PRESS RELEASE

The Chairman and Members of the Minorities Commission of India stood and observed two minutes' silence and passed the following Resolution at its extraordinary meeting held on Friday, the 9th November, 1984 :

This Commission views with utmost horror the assassination of our dearest Prime Minister, Shrimati Indira Gandhi, which was an attack directed against the whole nation's unity, integrity, stability, and strength. She was a special friend of each and every minority and championed just and legitimate causes of all minorities ardently against all those who sought in anyway whatsoever to damage them.

We urge the whole nation to fight, like one man, without any differences of opinion or feeling, the dark forces of disruption, division, and destabilisation, operative both from within and from outside our country, and to defeat all those who hope, by spreading fratricidal strife, to break up and weaken the whole nation.

The martyrdom of Prime Minister, Smt. Indira Gandhi, who was the best friend of the weak and the downtrodden all over the world, and the staunchest fighter for world peace must steel our resolve to defeat the enemies of humanity and of our country in particular, whatever be the

cost. We offer our deepest condolence to the bereaved family and the whole nation.

We also offer our fullest cooperation to our new Prime Minister, Shri Rajiv Gandhi, in the tasks ahead, of implementing the objectives of national intergration so dear to the heart of the late Prime Minister".

8.2 What followed the assassination of our late Prime Minister, Smt. Indira Gandhi, by two of her own security guards, who were Sikhs by religion, provides examples of how hostile and irrational feelings unhinge minds of some people to such an extent that they indulge in bestial acts of violence which run counter to the tenets of every religion.

8.3 Sikhism is a religion marked by universalism and humanism and elevation of ideas and feelings found in the verses of Guru Granth Sahib. The religion preached by Guru Nanak was, however, converted into a somewhat militant creed by the time of Guru Gobind Singh so that Sikh culture and traditions represented martial ways of thinking and feeling. Shri Khushwant Singh, the well-known Sikh intellectual, writer, and wit tells us, in his work on Sikhs, that they constitute a group like the "chosen" Jewish race. According to Shri Khushwant Singh, the Sikhs believe that they are a superior people and outsmart everybody they encounter whether it be in art or science or sport or any other human activity. If the prevailing concept amongst the Sikhs is that each Sikh is equal to "Sava Lakh" or 1.25 lakh other individuals, it is no wonder that they should think of a separate homeland of Khalistan reserved for this superior race and culture. But, as Sardar Arjun Singh, a former Sikh Member of the Commission pointed out and got a strongly worded Resolution of the Commission passed rejecting such a proposal, the overwhelming majority of Sikhs are against it.

8.4 Unfortunately, the ideas of superiority of culture and religion have caused serious trouble in human history. They seem to disable those who entertain them from fitting in well with rest of humanity and its diverse cultures. Germany, where Adolf Hitler deliberately inculcated in German minds the idea of a German superiority, instead of conquering others, had itself to be conquered. Those who believe in universalism, which is powerfully represented in Sikh religion and culture, find it impossible to live with the policies and plans of those who believe themselves to be superior.

8.5 The feelings against Sikhs in general, which inundated the country after the assassination of Shrimati Indira Gandhi, certainly run counter to the basic human rights of Sikhs to exist and to pursue their own religion and to develop their own separate culture. The two guards who attacked Shrimati Indira Gandhi, were said to have been strongly saturated with notions of religious and cultural superiority of Sikhs. It is clear that their minds were unhinged by some feelings which did run counter to the Sikh spirit of tolerance and brotherhood. They could not bear the thought of a "Blue Star" Operation directed against people occupying their Golden Temple in Amritsar, for which they thought that the Central Government of India, and the terrorists who had converted the Golden Temple, a beautiful place of religious worship, into a seat of politically motivated propaganda and violent activities, to be really responsible. Hence, they struck against our Prime Minister.

8.6 The crimes committed by the wrong doers should have been viewed as those committed by individuals. But, what happened was that Sikhs, as a community, were wrongly considered to be responsible in popular estimation for the wrongs committed by guilty individuals. Those who wanted to take advantage of what was mentally so disturbing found ample opportunity to do so. The Minorities' Commission of India visited the parts where disturbances had taken place and also refugee camps.

8.7 It may be mentioned here that some attempts were made to prevent the Commission from inspecting places where disturbances had taken place. The Delhi Administration said that it could not guarantee security for Members of the Commission. The Commission, however, was informed by its Sikh Member, Shri Sujan Singh, that no security was necessary. He volunteered to take the whole Commission round. The Commission, therefore, disregarding the advice of the Delhi Administration, visited the areas where disturbances had taken place. A record of what was observed and alleged there is found in *ANNEXURES-XXVII* and *XXVIII*.

8.8 It may be mentioned here that although, the contents of this Chapter would, strictly speaking, fall under the Leading "Communal Riots", yet, since the activities of the Commission should form the subject matter of its Annual Report and some special steps were taken by the Commission following the assassination of our very dear and revered Prime Minister,

Shrimati Indira Gandhi, and the communal feelings as a result of it, addition of this Chapter seems justified.

8.9 It may also be mentioned that the Press Release on the above subject from this high powered Commission, expected to assess the effects of performances of Central and State Governments and other matters affecting minorities' interests, was not given sufficient importance by the Press. It is regrettable that the Press of the country, which is expected to cater to the intelligentsia, should treat the views of this Commission with such unconcern. Perhaps, if the Central Government gave more evidence of the importance it attaches to what this Commission suggests, the Press of this country would also treat what the Commission says with more respect.

CHAPTER IX

CONCLUSIONS AND RECOMMENDATIONS

Emerging from the facts and views expressed in the preceding Chapters in this Report, the conclusions and recommendations of the Commission are summarised as follows :—

(1) The proposals for augmenting the staff in the Commission's Secretariat which have been sent to the Government, from time to time, and also mentioned in the earlier Reports, should be given due consideration. The requisite minimal staff be sanctioned to enable the Commission to discharge the functions assigned to it fully and effectively. (CHAPTER I, Para 4).

(2) The Commission should be given statutory recognition or at least the powers of investigation by statute contained in Section 5 of the Commission of Enquiry Act, for which an appropriate notification under Section 3 of the Act, is all that is needed. Its own Rules of Procedure may not be so effective in order to enable it to conduct thorough probes into allegations made in the representations received in the Commission. It could suggest effective means of redress better if it had statutory powers. (CHAPTER I, Para 5).

(3) With a view to minimising delay in placing the Annual Reports of the Commission before Parliament, suitable measures should be devised for expeditious translation of its Report into Hindi and for printing of the Report on a high priority basis by the Government Press. (CHAPTER II, Para 2.9).

(4) The State Governments should adopt more liberal attitude towards the question of according recognition to the minority educational institutions. The Government of Uttar Pradesh, which has agreed to communicate the grounds for turning down the applications for recognition of such institutions as a result of persuasion by this Commission, should also accede to the Commission's suggestion for giving representation to the minority communities on the committee set up by the State Government for recognition of educational institutions of the minorities (CHAPTER II, Para 2.12).

(5) The minority communities should part real
that the rights conferred upon the minorities by Article 30 of the Constitution, to establish and administer their educational institutions, are subject to reasonable regulations consistent with national interest, such as :

- (a) to maintain the educational character and standards of education of such an institution e.g. to lay down qualifications of service to secure appointment of good teachers, to maintain a fair standard of teaching and to protect/promote interests of the student community,
- (b) to ensure orderly, efficient and sound administration and to prevent maladministration;
- (c) to ensure that its funds are spent for the betterment of education and not for extraneous purposes;
- (d) to prevent anti-national activity; and
- (e) to enforce general law of the land applicable to all persons, e.g. taxation, sanitation, social welfare, economic regulations, public order, morality, etc (CHAPTER II, Para 2.16).

(6) All the State Governments/U.T. Administrations should consider the desirability of embossing National/State emblems on text-books with a view to promoting national integration. (CHAPTER II, Para 2.19)

(7) The good work done by the Gujarat Minorities' Board to raise the standard of families from minorities living below the poverty line by arranging for them financial assistance from the State Governments in the field of education, housing, and economic activities is worthy of emulation and adoption in other States. (CHAPTER II, Para 2.23).

(8) The existing financial power of the Commission for entrusting the studies to outside agencies is restricted upto Rs. 10,000 in cases of individual consultants and upto Rs. 25,000 in cases of institutions for each study. As competent consultants and institutions are reluctant to work on such honoraria, it is necessary to suitably enhance these financial limits. The matter is receiving active consideration and the Commission will send its proposals for enhancement in due course. (CHAPTER III, Para 3.3).

(9) In its Fourth Annual Report, the Commission had expressed the view that it would not be constitutional to exclude Parsis or Muslims, or, for that matter, any community, as whole, from the purview of the Adoption of Children Bill. The Commission had recommended that Clause 3(1) of the Bill may be substituted as under :—

“3(1) No adoption order shall be made unless the adopting parent and the child to be adopted or, in the case of a minor, his or her guardian, makes a declaration in writing in prescribed form that there is no religious prohibition against adoption accepted as binding upon him or her by the declarant.”

Subsequently, in view of the criticism in the Press against the above recommendation, the Commission obtained information regarding law of adoption, governing Muslims residing permanently in Tunisia, Malaysia and Turkey. It has been noted that a citizen of these countries, which have predominantly Muslim population, has the option to adopt a child in accordance with the provisions of a law enacted for that purpose. (CHAPTER III, Para 3.7).

(10) While the views of the Chairman on Muslim Laws and jurisprudence have already been incorporated in the Fifth Annual Report of the Commission, the views expressed by concerned Members of the Commission reveal that Personal Laws of the Buddhists have not been codified and there are no major issues outstanding in regard to the Personal Laws of the Zoroastrians (Parsis). The studies of the Personal Laws of Sikhs and Christians remain to be completed. (CHAPTER III, Paras 3.9 and 3.10)

(11) The Chairman wrote to all the Chief Ministers of States and Lt. Governors of Union Territories seeking information on whether they agree to the following six basic principles suggested for a possible consensus which may be acceptable to all the political parties :—

- (1) That, the Constitution of India rightly requires separation of religion from political and other secular activities as laid down by the Supreme Court of India in Z. B. Bukhari versus B. R. Mebra Case (S.C. Vol. II 1976 P. 17).

- (2) That, exploitation of considerations of religion or caste or region purely for securing victories in elections or discriminatory treatment for other non-religious purposes, such as, securing appointments or economic advantages or preference, divorced from merit, must be punished and not rewarded
- (3) That, all political, economic, and other secular demands can only be properly made by secular parties
- (4) That, duties of Indian citizens, laid down in Part IVA of the Constitution must be enforced by making laws as well as formulating rules of ethics enforceable through appropriate sanctions operating against departures from the Constitutional mandates
- (5) That, all that conflicts with the unity, integrity, or security of the country as a whole must not only be disapproved of but punished by making appropriate laws which must be enforced.
- (6) That, in particular, attempts to secure acceptance of any demands by using non-constitutional or violent or terroristic methods must not only be promptly and unequivocally condemned by all political parties and their members but punished severely by making suitable laws which must be enforced. Such methods have no place in any civilised society and can have no excuse whatsoever under a democratic system

Practically, all the States/Union Territories, from whom the replies have been received, have welcomed the suggestions about the six points principles. The remaining States/UTs should also consider these suggestions and expedite their replies. (CHAPTER III, Paras 3.20 and 3.21).

(12) With regard to the amended Central Waqf Act, 1984, according to a study undertaken by the Secretary of the Commission, the amended Act should, on the whole, be welcomed as it is bound to go a long way in the preservation and maintenance of the Waqf properties in the country. The Chairman's preliminary views in this regard contain the following suggestions. —

- (1) Instead of amending the Act, a new Waqf Act should be drafted which should be free from ambiguity, and powers of the Waqf Commissioner should be clearly specified.

- (2) A Special Waqf Tribunal or Court should not only be created but an appellate jurisdiction, as indicated by this Commission, may be needed.
- (3) An additional provision should be made for reframing of the Waqfs which have become difficult to operate, as already recommended by this Commission.
- (4) Due provision should be made for ensuring the application of Waqf funds to beneficial charitable purposes, in cases where this power is to be exercised directly by the Waqf Commissioner
- (5) The qualifications of the Waqf Commissioner should be so amended as to include retired officers with adequate knowledge and competence.

Considering the importance of the issue, the Chairman is, however, contemplating a further study before giving his final views in the matter. (CHAPTER III, Paras 3.36 and 3.37).

(13) There is need for national integration as a constitutional imperative through methods contemplated by our Constitution. Article 51A expressly lays down the citizens' duties affecting, *inter alia*, welfare of minorities, which also had their obligations. (CHAPTER IV, Para 4.2).

(14) Keeping in view the grievances of the linguistic minorities in Tamil Nadu, the Government of Tamil Nadu should examine the propriety, from the legal angle, of the condition prescribing proficiency in Tamil for all teachers even in minority languages. The State Government may also consider whether it was reasonable to set question papers in a language other than the language in which the subjects were being studied. (CHAPTER IV, Para 4.5).

(15) The Government of Jammu & Kashmir may take appropriate measures to solve several socio-economic, educational and administrative problems being faced by the people of Zaskar area of the State which is inhabited by a large number of Buddhists. (CHAPTER IV, Para 4.10).

(16) The whole nation should fight, like one man, without any differences of opinion or feeling, the dark forces of disruption, division, and destabilisation operative both from within

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and from outside our country, and to defeat all those who hope, by spreading fratricidal strife, to break up and weaken the whole nation. (CHAPTER IV, Para 4.12).

(17) The grievances about unjustifiable discrimination against the minorities should be brought to the notice of the State Minorities' Commissions, wherever they exist, or the Central Minorities' Commission. (CHAPTER IV, Para 4.19).

(18) The Commission would like to be apprised of instances of any misrepresentation of cultures and religions by the mass media. Any derogatory references to particular religions or their leaders must be eliminated from the text-books. Moreover, dignity of a person should be based on his individual worth and identity and not on his group identity. (CHAPTER IV, Para 4.19)

(19) The State Governments should also consider the desirability of issuing instructions, on the lines of the Assam Government, for giving representation to minorities in Government services and Public Sector Undertakings. (CHAPTER V Para 5.7).

(20) All the State Governments should urge the authorities concerned to take practical steps for implementing in right earnest the 15-Point Guidelines issued by the late Prime Minister (CHAPTER V, Para 5.7).

(21) All the State Governments and Union Territories' Administrations should also furnish to the Minorities' Commission regularly their Quarterly Progress Reports regarding implementation of the 15-Point Guidelines issued by the late Prime Minister as the Commission is required to serve as a national clearing house for information in respect of the conditions of the minorities (CHAPTER VII, Para 7.7).

(22) Educational facilities should be so arranged for backward minority sections as to benefit them by enabling them to engage in or set up productive small scale industries of their own. The setting up of technological institutes in minority concentration areas is a useful suggestion which Governments concerned, both in the Centre and the States must adopt to remove unemployment and relieve poverty.

(23) Compulsory secular education, with adequate incentives and rewards for those who provide it for both male and female children, should be enforced through laws made by the State with penal provisions operating against those who violate it

(24) Incentives by way of rewards for those who engage and excel in secular activities that benefit the whole nation and punishments for those who oppose this should be provided by laws made by the Central and State legislatures

(25) Secular educational facilities and provision of employment for destitute unemployed women should be provided through strictly enforced statutory provisions made both by Central and State Governments.

(26) Strict watch should be kept by District Administrations all over the country upon speech and writing, both true and false, intended to provoke communal feelings and such speech and writing should be severely punished.

(27) The machinery of law and order and detection of intended crime must be greatly improved to ward off dangers facing the country.

(28) A discussion of an application filed on behalf of the Prajapita Ishwaria Brahma Kumaris Vishvidyalaya induces this Commission to recommend an amendment of the Constitution, by the constitutionally prescribed procedure, under Article 368 of the Constitution of India. This is suggested below --

The following words be added after the words "professing Sikh, Jaina, or Buddhist religion" in Explanation II of Article 25 of the Constitution :

"Or any other religion professed by anyone who describes himself as Hindu by religion".

Detailed reasons for this recommendation will be found at Paras 6.33 to 6.37 of this Report.

(29) Every appointment or removal from the Commission by the Government should be preceded by the prior approval of the Chairman of the Commission.

(30) Nothing that dislocates the Commission's work should be permitted by the Central Government after obtaining the Chairman's advice on such a matter.

9.2 Three former Members of the Commission who were there during the time to which this Report, sent to them for reading, relates, were the following, who are no longer Members

1. Gyan Sujan Singh
2. Shri N. F. Suntook
3. Shrimati Anne Thayil

The result is that only the Chairman and Ven. Kushok G. Bakula, who were on this Commission during the period to which this Report relates and are still there, could properly sign and do hereby sign this Report.

9.3 It may be mentioned here that frequent changes in Membership of the Commission or in Officials who could assist the Commission or who are necessary for the completion of pending Reports in time of a Commission the efficiency of which depends upon the expertise its Members represent and its Officials possess or acquire does delay considerably the making of Reports meant to deal with urgent and pressing problems facing the country. These problems, as this Commission has previously emphasised, can only be satisfactorily tackled after due consultations with this Commission in so far as they affect the interests of religious or linguistic minorities of India.

9.4 The Reports of this Commission are intended to help the Parliament and the Government of the day. They should, therefore, be tabled in Parliament within a reasonable time after their presentation to the Central Government. The delay, in doing this, discloses an administrative deficiency which deserves attention and adoption of remedial measures after finding out its real causes.

9.5 There are certainly some shortcomings on the above mentioned matters, including the delay in the submission of this Report by this Commission for some unavoidable reasons which we will not probe further. We do, however, hope that these deficiencies will be removed very soon in future particularly in view of urgent and pressing needs of meeting the recurring crises with which we are confronted arising out of alleged discrimination against and frustration of some minorities and their educational and social backwardness. Remedial measures suggested by this Commission must be given due weight.

9.6 The minorities, both religious and linguistic, of India have expected a lot from this Commission and its recommendations for the removal of their difficulties. We would be failing in our duties if we did not offer some satisfactory methods of removing the grievances of minorities

9.7 This Commission could only end this Report by stating its cardinal beliefs that, there is no conflict between the interests of any section of the people of India and those of all the people of the country as a whole. It cannot hesitate to say so. A primary duty of this Commission is to make clear as daylight this great unity of interests of all. It has reasons to believe that it has been atleast performing this part of its assigned task quite well even if there have been some failures in other respects. Only a realisation of shortcomings and exploration of their real causes could lead to improvements.

(M. H. Beg)
Chairman

(Kushok G. Bakula)
Member

NEW DELHI,
September 7, 1987.

ANNEXURE—I

(Ref. Ch. I para 1)

No. II-16012/2/77-NID

GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

New Delhi-1, dated the 12th January, 1978

RESOLUTION

Despite the safeguards provided in the Constitution and the laws in force, there persists amongst the minorities a feeling of inequality and discrimination. In order to preserve secular traditions and to promote national integration, the Government of India attaches the highest importance to the enforcement of the safeguards provided for the minorities and is of the firm view that effective institutional arrangements are urgently required for the effective enforcement and implementation of all the safeguards provided for the minorities in the Constitution, in Central and State laws, and in Government Policies and administrative schemes enunciated from time to time.

2. The Government of India has, therefore, resolved to set up a Minorities' Commission to safeguard the interests of minorities whether based on religion or language.

3. The Minorities' Commission shall consist of a Chairman and two other members, whose term of office would not ordinarily exceed three years. The officer appointed as Special Officer in terms of Article 350-B of the Constitution will function as the Secretary of the Commission.

4. The Commission shall be entrusted with the following functions :—

- (i) to evaluate the working of the various safeguards provided in the Constitution for the protection of minorities and in laws passed by the Union and State Governments;

- (ii) to make recommendations with a view to ensuring effective implementation and enforcement of all the safeguards and the laws;
- (iii) to undertake a review of the implementation of the policies pursued by the Union and the State Governments with respect to the minorities;
- (iv) to look into the specific complaints regarding deprivation of rights and safeguards of the minorities;
- (v) to conduct studies, research and analyses on the question of avoidance of discrimination against minorities;
- (vi) to suggest appropriate legal and welfare measures in respect of any minority to be undertaken by the Central or the State Governments;
- (vii) to serve as a national clearing house for information in respect of the conditions of the minorities; and
- (viii) to make periodical reports at prescribed intervals to the Government.

5. The Headquarters of the Commission will be located at Delhi.

6. The Commission will devise its own procedure in the discharge of its functions. All the Ministries and Departments of the Governments of India will furnish such information and documents and provide such assistance as may be required by the Commission from time to time. The Government of India trusts that the State Governments and Union Territory Administrations and other concerned will extend their fullest co-operation and assistance to the Commission.

7. The Commission will submit an Annual Report to the President detailing its activities and recommendations. This will however, not preclude the Commission from submitting Reports to the Government at any time they consider necessary on the matters within their scope of work. The Annual Report together with a memorandum outlining the action taken on the recommendations and explaining the reasons for non-acceptance of recommendations, if any, in so far as it relates to the Central Government will be laid before each House of Parliament.

ORDER

Ordered that a copy of this Resolution be communicated to all Ministries and Departments of the Government of India, State Governments and Union Territory Administrations etc.

Ordered also that the Resolution be published in the Gazette of India for general information.

Sd/-

Maheshwar Prasad

Additional Secretary to the Government of India.

(R f Ch I para 3)

**Statement showing the posts sanctioned as on 31-12-1978
and those to be sanctioned later**

Sl. No.	Posts	Sanctioned	To be sanctioned after the Constitution Amendment Bill is passed.
1	2	3	4
1.	Chairman	1	—
2.	Members	4	—
3.	Secretary	1	—
4.	Joint Secretary	1	1
5.	Deputy Secretary	1	1
6.	Under Secretary	1	1
7.	Administrative Officer	1	—
8.	Research Officer	2	—
9.	Section Officer	—	1
10.	Accountant	1	—
11.	Investigators	3	1
12.	Research Assistant	2	2
13.	Assistant	1	2
14.	Hindi Translator	1	1
15.	Urdu Translator	1	1
16.	OSD for Ven. Kushok G. Bakula	1	—
17.	Private Secretaries	5	—
18.	Stenographer Gr. 'B'	1	1
19.	Stenographer Gr. 'C'	7	1
20.	Stenographer Gr. 'D'	2	4
21.	Library Assistant	—	1
22.	U.D.C.	2	2

1	2	3	4
23	Gestetner Operator	1	—
24	L.D.C.	2	6
25	Staff Car Driver	2	—
26	Despatch Rider	1	—
27	Jamadar	6	—
28.	Daftry	—	2
29.	Peon	8	7
30.	Farash	—	2
31.	Chowkidar	—	4
32	Sweeper	—	2
	Total	<u>59</u>	<u>43</u>

**Names of Nodal Officers of various States, UTs for attending
to the references made by the Minorities' Commission.**

Sl. No.	State/UT	Name of the Nodal Officer
1	2	3
1. Assam		Sh. Jatin Hazarika, IAS, Commissoner & Secretary to the Government of Assam, Home & Political etc. Department, Government of Assam, Dispur
2. Andhra Pradesh		(Not yet designated).
3. Bihar		Shri A. K. Upadhyay, Additional Secretary, Home Special Department, Government of Bihar, Patna
4. Gujarat		Shri B. M. Solanki, Under Secretary, Social Welfare Department, Government of Gujarat, New Sachivalaya, Gandhinagar, Gujarat
5. Haryana		Shri S. N. Puri, IAS, Deputy Secretary, Home Department, Government of Haryana, Chandigarh
6. Himachal Pradesh		Shri Ashis Kumar Dev, Deputy Secretary, Home Department, Government of Himachal Pradesh, SIMLA
7. Jammu & Kashmir		(Outside the jurisdiction of Minorities' Commission).

1	2	3
8. Karnataka	Shri M. K. Venkateshan, Addl. Chief Secretary, Government of Karnataka, Vidhan Soudha, <i>Bengalore</i>	
9. Kerala	Shri P. Vishwanathan Nair, Additional Secretary, General Administration Department, Government of Kerala, <i>Trivandrum.</i>	
10. Madhya Pradesh	Shri S. C. Gupta, Secretary, General Administration Department, Government of Madhya Pradesh, <i>Bhopal</i>	
11. Maharashtra	Shri B. K. Halve, Additional Chief Secretary, Government of Maharashtra, <i>Bombay.</i>	
12. Manipur	Shri T. Gunamani Singh, Secretary (Home), Government of Manipur, <i>Imphal.</i>	
13. Meghalaya	Shri J. Tayeng, IAS, Secretary, Political Department, Government of Meghalaya, <i>Shillong.</i>	
14. Nagaland	Shri T. Doungel, Joint Secretary, Home Department, Government of Nagaland, <i>Kohima.</i>	
15. Orissa	Shri R. N. Das, Secretary to the Government of Orissa, Home Department, <i>Bhubaneswar.</i>	

- 16 Punjab Mrs. Gurbinder Chahel,
Secretary to the Government of Punjab,
Department of Grievances,
Technical Education and Industrial
Training,
Chandigarh (Tele : 45274).
17. Rajasthan Shri V. N. Chaturvedi
Special Secretary,
Home Department,
Government of Rajasthan,
Jaipur.
- 18 Sikkim Shri J. T. Densapa,
Home Secretary,
Government of Sikkim,
Gangtok (Sikkim)
19. Tamil Nadu Commissioner & Secretary,
Social Welfare Department,
Government of Tamil Nadu.
Madras.
20. Tripura Shri Proveen Shrivastava, Joint Secretary,
Home Department,
Government of Tripura,
Agartala.
21. Uttar Pradesh Shri H. C. Gupta, Special Secretary,
National Integration Department,
Government of Uttar Pradesh,
Sachivalaya,
Lucknow.
22. West Bengal Shri B. Dutta,
Special Secretary, Home Department,
Government of West Bengal,
Writer's Building,
Calcutta
23. Andaman & Nicobar Islands. Shri K. K. Bhasin, Secretary,
(Tribal Welfare),
Andaman & Nicobar Administration,
Port Blair.

1	2	3
24. Arunachal Pradesh	Shri R. K. Ahuja, Chief Secretary, Government of Arunachal Pradesh, Itanagar.	
25. Chandigarh	Shri D. S. Kalha, Dy. Secretary, Finance & Social Welfare Department, Chandigarh Administration, Deluxe Building, Room No. 424, 4th Floor, Sector-9, Chandigarh.	
26. Dadra and Nagar Haveli	Shri S. S. Hovekar, Secretary, Dadra & Nagar Haveli Administration, Silvesa.	
27. Delhi Admin.	Shri R. Chander Mohan, Joint Secretary (Home), Delhi Administration, 5, Shyam Nath Marg, Delhi-6.	
28. Goa, Daman & Diu	Secretary, Industry & Labour and Social Welfare, Goa, Daman & Diu Administration, Panaji.	
29. Lakshadweep Kavaratti	Shri C. M. Ahmad, Asstt. Executive Engineer (Electrical), Union Territory of Lakshadweep, Kavaratti, Islands.	
30. Mizoram	Shri N. N. Palit, Dy. Secretary, Political Department, Government of Mizoram, Aizawl.	
31. Pondicherry	Shri K. R. Ramalingam, Under Secretary, Home Department, Government of Pondicherry, Pondicherry.	

SAFEGUARDS

Safeguards to Religious Minorities

In addition to the Fundamental Rights provided under the Constitution, certain protection and safeguards are provided in the Constitution specifically for the minorities. These are as under :—

- (i) Article 25(1) *Freedom of conscience and free profession practice and propagation of religion*

Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.

- (2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law -

- (a) regulating or restricting any economic, financial or other secular activity which may be associated with religious practice;
- (b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus

- (ii) Article 26 *Freedom to manage religious affairs*

Subject to public order, morality and health, every religious denomination or any section thereof shall have the right -

- (a) to establish and maintain institutions for religious and charitable purposes;
- (b) to manage its own affairs in matters of religion ;
- (c) to own and acquire movable and immovable property; and
- (d) to administer such property in accordance with law.

(iii) Article 27. *Freedom as to payment of taxes for promotion of any particular religion.*

No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion of maintenance of any particular religion or religious denomination

(iv) Article 28. *Freedom as to attendance at religious instruction or religious worship in certain educational institutions.*

(1) No religious instruction shall be provided in any educational institution wholly maintained out of State funds

(2) Nothing in clause (1) shall apply to an educational institution which is administered by the State but has been established under any endowment or trust which requires that religious instruction shall be imparted in such institution.

No person attending any educational institution recognised by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person or, if such person is a minor, his guardian has given his consent thereto.

(v) Article 29. *Protection of interests of minorities.*

(1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.

(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

(vi) Article 30. *Right of minorities to establish and administer educational institutions.*

(1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

(2) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religions or language.

Safeguards to linguistic minorities

In addition to Articles 29 and 34, the foregoing articles of the Constitution contain provisions relating to safeguards for linguistic minorities.

- (i) Article 347. *Special provision relating to language spoken by a section of the population of a State*

On a demand being made in that behalf to the President may, if he is satisfied that a substantial proportion of the population of a State desire the use of any language spoken by them to be recognised by that State, direct that such language shall also be officially recognised throughout that State or any part thereof for such purpose as he may specify.

- (ii) Article 350. *Language to be used in representations for redress of grievance.*

Every person shall be entitled to submit a representation for the redress of any grievance to any officer or authority of the Union or a State in any of the languages used in the Union or in the State, as the case may be.

- (iii) Article 350A. *Facilities for instruction in mother-tongue at primary stage.*

It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups, and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities.

- (iv) Article 350B. *Special Officer for linguistic Minorities.*

(1) There shall be a special Officer for linguistic minorities to be appointed by the President.

(2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under this Constitution and report to the President upon these matters at such intervals as the President may direct and the President shall cause all such report to be laid before each House of Parliament, and sent to the Government of the States concerned.

ANNEXURE—VI

(Ref. Ch. II, Para 2.19)

Proposal of the commission to emboss national/state emblems on text books and replies from state governments/UT administrations

S. No.	Reply received from State Govts/UT Administrations	Summary of the Replies
1	2	3
1.	Maharashtra State Bureau of Text Books Production and Curriculum Research.	A pledge promoting the national integrations is printed in all the text books prepared and published by the Maharashtra State Bureau of Text-Books Production and Curriculum Research, Pune. So, there is no need to emboss national/State emblem on the text-books.
2.	Government of Gujarat, Education Department.	The Director, Gujarat State Text-books, Gandhinagar has been instructed to take necessary action.
3.	Maharashtra State Board of Sec/Hr. Sec. Education.	Under the Maharashtra Sec and Hr. Sec. Education Boards Act No. XLI—1965, the Board has its own Emblem which is printed on the text-books. It will not be fair to show any other emblem on the text-books.
4.	Govt. of West Bengal, Educational Deptt. (Primary Section).	The National/State emblems are being printed on every nationalised text-books published and distributed by the Education Directorate on behalf of the State Government.
5.	Government of Kerala, Education Department.	The State Emblem is printed on all the school Text-books. If more than one emblem is printed on a text-book, then it would not be artistically attractive. Hence, the State Govt. desire to continue the present arrangement.
6.	Government of Tripura, Directorate of school Education.	Our letter is under consideration of the Education Department and the final decision will be communicated shortly.

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 7. Govt of Tamil Nadu, Education Department. The matter is under consideration.
 8. Government of Sikkim, Education Department. The Education Department is always putting the State emblem on the title page of all books published by Text Books Unit of the Education Directorate since 1975 onwards.
 9. Govt of Pondicherry, Education Department. The Union Territory is not publishing text books on its own, but following the text-books and syllabus of the Tamil Nadu, Kerala and A. P. State and this question will be considered as and when this Union Territory publish Text-Books
 10. Government of Goa, Daman & Diu, Education Department. The Text-Books of Maharashtra and Gujarat States are prescribed in this Union Territory. As such, implementation of the suggestion lies with the concerned States.
 11. Directorate of Education, Delhi. The emblem of the Central Government is invariably printed on every title of the books published by the Delhi Bureau of Text-Books who are printers for the Text-books for classes I to VIII prescribed by the Education Directorate.
 12. Andaman & Nicobar Administration. The text-books produced by NCERT, Central Board of Education and other State Agencies are prescribed in Andaman & Nicobar Union Territory. Hence, the question of embossing of National/State emblem by this Territory does not arise.
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ANNEXURE VII

MINISTRY OF HOME AFFAIRS (GRIH MANTRALAYA)

(Ref. Ch. II. para 2.20)

MEMORANDUM OF ACTION TAKEN ON THE FOURTH ANNUAL REPORT OF THE MINORITIES COMMISSION FOR THE PERIOD FROM 1st JANUARY, 1981 to 31st MARCH, 1982

According to para 7 of the Government of India Resolution dated 12th January, 1978 setting up the Minorities Commission, the Commission is required to submit an Annual Report to the President detailing its activities and recommendations. The Commission may also submit Reports to the Government at any time they consider necessary on matters within their scope of work. The Annual Report together with a Memorandum outlining the action taken on the recommendations, if any, in so far as it relates to the Central Government, is required to be laid before each House of Parliament. The Minorities Commission submitted its Fourth Annual Report in April 1983 for the period of 1st January, 1981 to 31st March, 1982 detailing its activities and the printed copies of the English and Hindi versions were received in this Ministry on 8th November, 1983 and 15th February, 1984, respectively.

2. The Fourth Annual Report of the Minorities Commission has ten Chapters. Chapter I deals with the general set up of the Commission. Chapter II of the Report gives a summary of the activities of the Commission for the period of the report. Chapter III of the Report contains a summary of the various ad hoc reports submitted by the Commission. Chapter IV is a report on the observance of the National Integration Day. Chapter V deals with the action taken on the representations received by the Commission. Chapter VI of the Report contains observations on communal riots. Chapter VII of the Report deals with the work done by individual members and some members of the staff of the Commission. Chapter IX of the Report outlines the Commission's plan of work for future. Chapter X of the Report sets out the conclusions and recommendations of the Commission.

3. A statement showing the comments of the Government on various recommendations contained in the Report has been prepared and is appended.

Appendix IX

*Statement Showing the Comments of the Government on the Recommendations of the Minorities
Commission made in their Fourth Annual Report*

Serial No. (Para No.)	Text of the Recommendation CHAPTER-X	Comments of the Government	Remarks
(1)	(2)	(3)	(4)
1. Para No.	The Government of India Resolution	As stated in the Government of India's	
10 2	creating the Minorities' Commission	Resolution, Government attaches the	
10 3	mentions that it attaches the highest	highest importance to the enforce-	
10 4	importance to the enforcement of	ment of the safeguards provided for	
	the safeguards provided in the Con-	minorities and the Resolution itself	
	stitution of India for 1930-31 and	done by the Ministry of Government	

Administrations and other concerned that they should extend their fullest cooperation and assistance to the Commission. Government have also requested the Commission to bring to its notice specific cases, if any, where the State Government or any other authority fails to co-operate fully with the Commission in performing its duties so that the Government could take up the matter in an appropriate manner. Since then no instance of any specific difficulty being experienced by the Commission has been brought to the notice of Government. The various aspects of the matter regarding the grant of Constitutional recognition to the Minorities Commission are under consideration of the Government.

tion promised and expected in the past and considered, at least, by minority communities to be necessary for effective functioning of the Commission which was established over four years ago. A proposal of the Commission made to the Union Government for grant of investigatory powers under the Commission of Inquiries Act has not been accepted so far probably because the Government is under the impression that not only would all governmental agencies cooperate with the Commission to the extent necessary to enable it to conduct its investigations reasonably and effectively but that other non-governmental bodies or private citizens whose help is often indispensable, will voluntarily come forward to give information whenever required by the Commission.

The Commission cannot carry out satisfactorily the important functions entrusted to it if it depends entirely on the goodwill and voluntary cooperation either of the authorities against

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which complaints are received or of other. The Commission, therefore, reiterates its earlier recommendation for a Constitutional status to be conferred upon it either as a part of a more comprehensive National Integration-cum-Human Rights Commission, as suggested below, or if that is not possible immediately, at least the conferment upon it of the powers of investigation contained in Section 5 of the Commission of Inquiries Act by an appropriate Notification under section 3 of the Act.

It is also recommended that, while conferring a Constitutional status on the Commission, in its present or altered form, as suggested below, an appropriate provision may also be made to the effect that whenever any part of the Report of the Commission relates to any matter with which a State Govt. is concerned, a copy of such Report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of

such recommendations. Such a provision is a logical consequence of what is found in the Union Government's Resolution creating the Commission.

- 2 Para No The filling up of the post of Special
10 5 Officer for Linguistic Minorities
10 6 under Article 350B of the Constitu-
10 7 tion is also linked up with the pro-
posal for grant of Constitutional
recognition to the Minorities' Com-
mission, or to a Commission taking
over its prescribed functions. Due
probably to continued uncertainty
about the future position and powers
of the Commission, no step was
taken to fill up the post of Special
Officer (called the Commissioner for
Linguistic Minorities in India) since
the last incumbent left the post in
May, 1977.

The question of filling up of the post of Special Officer for Linguistic Minorities is under the consideration of the Government. In the meantime, the establishment of the Special Officer has been placed under the administrative control of the Secretary, Minorities Commission. This arrangement has been made in the interest of the smooth functioning of the two Organisations and for a more effective use of the available staff.

The Deputy Commissioner for Linguistic Minorities, who has also been doing the work of the Deputy Secretary of the Minorities' Commission, is due to revert to his parent department on completion of his tenure on 31-12-1952. Necessary steps to transfer the Constitutional functions of the Commissioner for Linguistic Minorities to the Minorities' Commission itself should, therefore, be taken as early as possible. The Constitutional functions of the Special Officer can be vested in the Chairman of the Commission acting with the aid of the Commission and its staff. This will bring the position in consonance with the Government Resolution creating the Commission making the whole Commission responsible to look after the interests of both religious and linguistic minorities. At present, the position is very anomalous in as much as, whereas the Commission is to look after the interests of religious as well as linguistic minorities and the Secretary of the

Minorities' Commission is, technically speaking, the authority under which the staff of the Commissioner for Linguistic Minorities functions, yet, the work of the Constitutionally provided Officer is done only by a Deputy Commissioner, who is not responsible for this work to the Commission, but reports directly to the President, although he also works as the Deputy Secretary of the Minorities' Commission. In fact, such reports of the Deputy Commissioner are not, it is arguable, the Constitutionally contemplated ones at all so that the Constitutional functions of the Commissioner for Linguistic Minorities, contemplated by Article 350B of the Constitution are practically in abeyance now.

Informally, the Minorities' Commission does look into the Reports of the Deputy Commissioner for Linguistic Minorities who is also working as Deputy Secretary of the Commission but the Deputy Commissioner for Linguistic Minorities is not made legally responsible to the Commission for

(1)	(2)	(3)	(4)
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his work before submitting his Report to the President. If the Commission itself is entrusted, in the manner suggested above, with the supervision of the work of the Commissioner for Linguistic Minorities with its headquarters at Allahabad and three Regional Offices, at Calcutta, Madras and Belgaum, the Minorities Commission with only a very slight possible increase in staff of the Regional Offices of the Commissioner for Linguistic Minorities could utilise the same staff for its demographic studies and collection of information. Investigations into the conditions of religious minorities could proceed simultaneously with inquiries relating to linguistic minorities because differences in religion and language often run simultaneously.

3 Para 10 8 The minorities in every State have certain specific problems and needs which the normal plans and Pursuant to the initiative taken by the Prime Minister, steps have been taken to see that in various develop-

in a fair and adequate measure the benefits flowing therefrom. For the purpose, the Minister of Planning had written to Chief Ministers requesting them to give representation to the minorities on the implementation and monitoring committees set up for the 20-Point programme. Many State Govts. have already provided for such representation. In addition, other measures are also being taken to facilitate the full participation of minority groups in all aspects of national life.

Gujarat has been earmarking funds out of the State plan budget, for targeted schemes, for the benefit of backward sections of minorities, of the State in particular. This fund is placed under the administrative control of the State Minorities' Board which formulates and implements special schemes for the economic upliftment of minorities. It utilises the funds for carrying out the planned objectives and schemes. Although, this Commission has not studied in detail the actual working of the scheme in Gujarat, yet the earmarking of plan funds for providing assistance and fiscal benefits upto targeted amounts for the backward sections of the minority communities is commendable. It could be usefully adopted, with necessary adaptations, by the Central Government as well as by other State Governments. It is recommended that the Central Govt. may direct the attention of the State Govts to the need for formulation of such schemes for the benefits of backward sections of minority communities.

(1)	(2)	(3)	(4)
4. Para No. 10.9	<p>The minorities have certain special social and economic problems for which various governmental schemes have been devised. But, ordinary members of minorities seem to be unable to benefit sufficiently from these schemes on account of their social, educational and economic backwardness. Hence, programmes and schemes designed to meet their special needs will have to be improved. This Commission has not dealt with this aspect of the problems of members of minority communities in this Report because a very comprehensive Report is said to be under preparation by the High Power Panel headed by Dr. Gopal Singh, to which this subject has been especially assigned. This Commission will make its own Report and recommendations on the subject after the Report of that Panel is made available to it.</p>	<p>The Report of the High Power panel will be made available to the Minorities Commission as and when published.</p>	
5. Para No. 10.10	<p>As regards the largest religious minority of India, namely Muslim the Commission has already recommen-</p>	<p>The Ministry of Law, Justice and Company Affairs, who are administratively concerned with the matter</p>	

ded the immediate enactment of a new Muslim Wajd Act whose provisions are made uniformly applicable all over India. It has suggested certain modifications after carefully considering the views expressed by two different committees specially constituted for the purpose of considering character of necessary legislation on the subject. It is strongly recommended that this enactment may be immediately undertaken by the Central Government.

6. Para No.
10 11
10.12

The Commission receives a large number of representations from individuals as well as groups belonging to minority communities in matters concerning local authorities and the State Governments. These involve the Commission in tedious and prolonged correspondence with State Governments resulting in considerable delays in making recommendations in individual cases. The Commission, therefore, recommends

had formulated certain tentative proposals after obtaining the comments of the State Governments, the Standing Committee and Sub-Committee of the Central Wajd Council, the All India Awaqf Conference, Muslim Members of Parliament, the Minorities Commission and other representative organisations and individuals. These proposals are further being considered by a Committee of Ministers and Members of Parliament under the Chairmanship of the Minister of External Affairs.

The Commission's suggestion may be noted by the State Governments. As for the Central Government, the machinery of the Minorities Commission has been utilised as explained against paras 10.14 and 10.15. Several State Governments have set up Minorities Commissions and these Commissions are, functioning in terms of the charters set out by the respective State Governments. Further most of the State Governments have

(1)	(2)	(3)	(4)
	<p>that the Govt of India should advise all State Govts to establish Minorities Commission or Panels in each State to look into specific grievances of members of minority communities. The States given in Annexure XINE have already got such Commissions. Other States should have similar bodies.</p>	<p>appointed nodal officers to coordinate the work of minority welfare in their States. The Minorities Commission has held a Conference of Chairmen of the Minorities Commissions of the State which has made possible a mutual exchange of notes on the working of the different State Commissions.</p>	
	<p>A scheme formulated for coordination of the activities of the State Commissions or Panels with those of the Central Minorities Commission of India is very necessary. It is recommended that, pending the conferment of a Constitutional status on the Minorities Commission either in its present or in an altered</p>	<p>Since the features of the scheme for coordinating the activities of State Commissions have not yet been spelt out it would be difficult to comment its acceptance at this stage.</p>	

7 Para No.
10.13

Possibilities of utilising the institutional machinery of the Commission are not fully availed of by the Central or State Governments in examining the grievances of minorities communities. Efforts are generally made to deal with the complaints of minorities through political channels with doubtful results. But political approaches to all problems of minorities cannot be good enough substitutes to normal administrative exercises by an independent machinery assuming an independent role to find solutions to problems placed before it in the course of quasi-judicial or administrative inquiries.

8. Para No.
10.14
10.15

Efforts to deal with problems of minorities at a political level are often vitiated by considerations of passing expediency. Therefore, political solutions generally tend to be short lived. They are often results of bargaining and seldom satisfy everyone. It would be better to take many of these problems outside the political arena so as to deal with them on well-formulated

The Minorities Commission have been consulted by the Govt. on various issues from time to time. For instance they were consulted on a Code of Conduct for political parties for promoting national integration. They were also consulted on the Mandal Commission's Report which had evolved criteria for identification of backward classes including backward classes among the minority communities.

The Government have been taking steps to ensure that prejudices do not work against the minority communities in the matters of their recruitment to various services in the Government. Positive measures on the lines recommended have already been initiated on the suggestions made by the Prime Minister in May, 1983. A Minorities Cell has

(1)	(2)	(3)	(4)
<p>general principles, impartially, and independently. It is desirable that, while the Government may, in appropriate cases, deal with the demands of a minority requiring immediate solution, at a political level, it should involve the Commission in considering these demands and grievances more freely and frequently. In fact, reference of such demands to the Commission should be the ordinary or normal rule.</p> <p>Positive measures are needed to remove the wide-spread feeling among minority communities of discrimination against them in governmental, public-sector, as well as in non-governmental or private services. It measures to ensure adequate representation of members of minority communities on selection boards/commissions, departmental promotion committees and other</p>	<p>also been set up in the Ministry of Home Affairs to deal with matters relating to minorities on a continuous basis so that apprehensions are allayed and genuine grievances redressed. The Government have also set up a Committee headed by the Home Minister to go into the grievances of the minority communities.</p>		

The sphere of employment in non governmental or private organisations has not been touched by any legislation so far in this country as it has been in USA. This aspect also requires governmental attention for appropriate legislation and is under study by the Minorities' Commission of India.

9 Para No
10 16

10. Para No. 10.17
- It is also recommended that the Planning Commission should earmark plan funds and frame schemes for uplift of backward sections of minority communities in consultation with the Minorities' Commission of India.

One of the main objectives of planning in this country is removal of poverty. Government are separately considering the Mandal Commission Report on Other Backward Classes. It is Government's endeavour to uplift the backward sections irrespective of the religious groups to which they belong. In order to ensure that economic benefits do reach the minority groups also in a fair manner, action has been initiated to monitor the implementation of development programmes

11. Para No. 10.18
- A separate Chapter has been devoted to general observations about communal rioting, its patterns and its likely causes and cures. It is strongly recommended that provisions of

The Government of India keeps in touch with the State Government and provides necessary assistance to them in combating communalism. From time to time, guidelines regard-

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Sections 153A, 153B and 153C of the IPC be invoked by local, administrative, or State authorities against all persons found indulging in communal activities. The Union Home Ministry could issue special directions to State Governments for this purpose.

ing measures to control communal disturbances and to maintain communal harmony have been issued to the various State Governments. It has *inter-alia* been stressed in the guidelines that sections 153A, IPC 295 and 295A should be freely invoked to deal with individuals spreading Communal ill-will or enmity. It has also been stressed that suitable action under the law may be taken against the communal press. It has been suggested to the State that they should have special or earmarked courts for trying offences arising from communal disturbances. Such courts have been functioning in some States.

12. Para No. 10, 19

Above all, this Commission strongly recommends the formulation of a very comprehensive scheme for the promotion of National Integration and secular traditions and protection of human rights of all sections of the people including minorities. Such a

The Makers of the Indian Constitution have after a deep study of Indian conditions and the Constitutions of various countries of the world, had drafted a Constitution suited to our genius. The Fundamental Rights, the Directive Principles of State Policy

scheme involves the setting up of appropriate institutional machinery such as National Integration-cum-Human Rights Institute to help a National Integration-cum-Human Rights Commission to be provided for by the Constitution itself. A comprehensive Commission of this kind could have sub-Commissions or sections dealing separately with the problems of minorities and those of Scheduled Castes and Scheduled Tribes, and a Human Rights sub Commission as a part of it could cover cases of all citizens alleging discrimination against them on any illegal grounds. A religious or linguistic minority in one part of India may be a majority in another part. A machinery of protection of those who are in a weaker position in any respect must take into account every situation in which an individual or a group to which he belongs may be in a weak or exploitable position or discriminated against anywhere in India.

The setting up of such a comprehensive Commission, however, requires a

the Special Provisions for Scheduled Castes and Scheduled Tribes, the protective provisions for minorities, the writ jurisdictions of High Courts and Supreme Court—all these are the ways in which it was found possible to ensure the freedom of the individual and orderly progress of society in a pluralistic society such as ours. A system so carefully built up and which has served the country well needs to be corrected only if there are overwhelmingly compelling considerations. The deficiencies in the present system have not been clearly identified. These have not been adequately spelt out in the Commission's Report. The recommendation itself says the matter requires further study. Further consideration of the recommendations will, therefore, have to await such a study by the Commission.

Para No.
10.20

(1)	(2)	(3)	(4)
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fuller study to frame an elaborate scheme to carry out the objects involved in this recommendation. If an amendment of the Constitution which was once undertaken to give the Minorities' Commission a Constitutional status had failed, either due to design or lack of interest in the subject on the part of members of the party then in power, it is possible that another attempt to amend the Constitution in a more correct manner, from the point of view of national objectives, clearly bringing out the interest of the whole nation in that Amendment, may succeed.

Para No.
10.21

The setting up of such a Commission could avoid competition between

Para No.
10.22

It is, therefore, recommended that, a Special Committee of legal experts be constituted to decide upon the details of a comprehensive scheme for setting up a National Integration-cum-Human Rights Commission and to report within three months of setting up of such a Committee.

13. Para No
10.23

Even before the formation of a comprehensive National Integration-cum-Human Rights Commission, the functions of the Minorities Commission and other bodies dealing with special problems of either backward sections or those likely to be discriminated against should be to undertake impartial and objective studies and make their recommendations in consonance with the broad national objectives of the whole nation found embodied in the Preamble, the Directive Principles of State Policy, the Fundamental Rights of persons residing in India and of citizens of India, together with the Duties of all Indian citizens. If such were seen

No comments.

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clearly to be the objectives of the recommendations made by such bodies as the Minorities' Commission, a broad consensus could emerge placing the recommendations of such Commissions above partisan politics. This should be the endeavour of the Minorities' Commission and of every similar body.

14. Para No.
10 24

The objective will become absolutely clear and well defined if the proposal to establish a National integration-cum-Human Rights Commission in place of the various bodies now functioning to subserve this purpose, is accepted. In addition, there will be saving of administrative expenses involved in running several Central Commissions or bodies with similar purposes. There could be complete coordination and demarcation of functions between the Central and the State Commission or bodies to achieve the same objects.

The existing commissions for certain specified target groups are liable to certain provisions contained in the Constitution in respect of such target groups. Otherwise than this, for groups as well as for individuals, the Constitution sets out the rights available and the remedies open to them if they are violated. The division of functions between the Centre and the State has also been carefully demarcated in the Constitution. (In fact, another Commission is already at work examining this area. Demarcation of areas for the Central Com-

providing mechanism for redressing socio-economic and political imbalances operating against the weak and the discriminated against to whatever class, caste, community, or region they may belong.

15. Para No.
10 26

It should be the endeavour of every such Commission or body not only to lay down abiding principles and guidelines systematically and impartially, as counsils of justice are expected to do, but also to make their recommendations in particular situations considered by them in the light of such well-settled principles and guidelines duly explained by the Commissions or bodies set up. They should clearly indicate and protect a basic structure of national policies embodied in our Constitution and the laws. It is the duty of every citizen, irrespective of his political, religious, caste, or

gration-cum Human Rights Commission has to be preceded by a more detailed study to identify the present lacunae and inadequacies in the Constitutional set up as it exists today).

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regional prejudices or predilections, to uphold this basic structure. Changes of Government should not affect these basics on which all political parties should be agreed. To indicate and make clear such an agreement should be the aim of every such Commission. But, the power to make any changes in these basic ends and means embodied in the Constitution is certainly vested in the representatives of the people and not in any courts or Commissions. Nevertheless, Commissions such as the Minorities' Commission can make their recommendations to the Government where any such changes, even in the basics, are deemed necessary in national interest. This extremely responsible task can only be satisfactorily performed through aided and unaided machinery.

effect cannot be accepted or given effect to by the Union Government at present, it is recommended as follows:—

- (i) The present practice of the Department of Personnel, which is generally not aware of the needs of the Commission, sending panels of names to the Minorities' Commission for appointments of the staff of the Commission should be displaced by the practice of asking Minorities Commission for names of officials for the post of Secretary, Joint Secretary, Deputy Secretary or Under Secretary. The remaining appointments can be made as they are now by the Secretary of the Commission, acting in consultation with the Chairman, or in the case of Personal staff, in consultation with the Member concerned of the Commission.

- (ii) The power of nomination possessed by the Commission may be

and Administrative Reforms who are concerned with the matter have explained that the post of Under Secretary, Deputy Secretary, Joint Secretary and Secretary in the Minorities Commission are covered by the Central Staffing Scheme. As the existing procedure for filling such posts already provides for the employing organisations to indicate the names of the specific officers who they wish to consider along with others, no change in the present practice is considered necessary.

(1)	(2)	(3)	(4)
	<p>made clear and more general by confining upon it by means of an appropriate Notification under Section 3 of the Commission of Inquiries Act legal power of compulsion to give evidence for purpose of its investigations and inquiries. To safeguard against possible improper use of this power, a Proviso could be inserted that the Government may direct the Commission either before the commencement of an inquiry by it or after it is commenced, not to proceed further with the investigation or inquiry on grounds of expediency or justice which may, in such event, be indicated to the Commission.</p>	<p>(ii) Attention in this connection is invited to comments against recommendation at Serial No 1.</p>	
	<p>(iii) The powers of the Commissioner for Linguistic Minorities provided for by Section 350B of the Constitution may be conferred upon the Chairman of the Commission aided</p>	<p>(iii) Attention in this connection is invited to comments against recommendation at Serial No 2.</p>	

this way, the Linguistic Minorities Commission and its regional offices could, with very slight increase in their staff, be able to function simultaneously for work in connection either with religious or linguistic minorities as suggested above. This will, as explained above, remove a serious anomaly which exists now and save additional administrative expenditure.

- (iv) The Commission, which is now there to act under its wide terms of reference may also be used more freely and unreservedly for consultations on policy matters by not only the Home Ministry but the Education Ministry, the Law Ministry and the I&B Ministry and the Planning Commission of India.
- (iv) Attention in this connection is invited to comments against recommendation at Serial Nos. 6 and 7

- (v) If the Commission is there, as its terms of reference indicate, to provide machinery for suggesting solutions of all problems relating to minorities in the best possible ways through its recommendations made to the President of India, which the Government
- (v) This does not call for comments of the Government

(1)	(2)	(3)	(4)
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have to be placed before representative of the people, assembled in Parliament, this Commission is certainly not a part of any particular Department of the Government, even though the Home Ministry is expected to provide its needs. Its Reports are obviously intended to contain independent assessments of the work done by the Central and State Governments themselves for promotion of national integration and secular traditions.

Its position and status which are different from those of other Commission should, therefore, be made clear as an independent investigating advisory

As already explained under serial no. 1 above, the various Central and State Authorities have been addressed to extend maximum cooperation to the

ment that the Members of such a Commission are entitled to recognition of a formal status at least equivalent to that of Ministers of the Central Government. The implications of the declaration of the Central Government made *vide* letter No. 1908/PMO/78 dt. 12-9-1978) a copy of which is attached at Annexure-XXI, from the Prime Minister to all Chief Ministers of States that Members of the Commission, when travelling anywhere in India, should be accorded the same facilities and status as Ministers of the Central Government, appear sometimes to be overlooked. Therefore, this declaration also requires some clarification through a fresh declaration of the Union Government, and, it is recommended that this may be done. It should be clarified whether, while residing at Delhi, Members of the Commission are entitled to a status or amenities apart from those specified in the terms of their appointment. The position seems clear enough so far as the present Chairman is concerned. He happens to be a former Chief Justice of India who accepted the office of Chairman of the Commission on condition that he is afforded amenities which were

(1)	(2)	(3)	(4)
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available to him before his retirement from the judicial office. The Members of the Commission, who are also not Government servants, expect amenities and a status implied in an appointment as a Member of the Commission. Hence at least the position and status of Members of the Commission requires some clarification. This would meet the demand of certain Members of Parliament also who have asked for such clarification.

17. Para No
10.28

This Commission holds the view that not only will the position and status of the Commission and the impact of its work on the public mind improve, but that the Commission will be much better able to serve the objects as set out in the terms of reference of the Government Resolution creating the

Attention in this connection is invited to the Government's comments against various recommendations of the Commission.

ANNEXURE VIII

(Ref. Ch. III, para 3.5)

AN ARTICLE IN RADIANCE VIEWS WEEKLY, DELHI

(Vol. XIX No. 24, October 23—29, 1983)

MR. HAMEEDULLAH BEG AND THE ADOPTION BILL

S. AMEENUL HASAN RIZVI

1. News appeared in the Press that Mr. Hameedullah Beg¹, Chairman of the Minorities' Commission and former Chief Justice of the Supreme Court has in his Report, urged upon the government to make the proposed enactment on adoption of the children now before the Parliament in the form of Bill to be made applicable to Muslims also who have kept outside its purview in the Bill. It was also reported that the Union Law Minister said the recommendation by Mr. Beg was under Government's consideration.

2. I then wrote a letter to Mr. Hameedullah Beg on the subject in order to show how the proposed enactment directly conflicted with Quranic injunction, directives by the prophet and the Muslim Personal Law. I sent to him the off-print of a paper read by me at a Seminar on this subject organised by the Indian Institute of the Islamic Studies (Department of Islamic and Comparative Law) which dealt with the issue in some details.

3. The points made by me were that there are three legal consequences of adoption: according to the proposed enactment, all the three of which run counter to Islam. These are: (1) that the adoption child will, after having gone in adoption, cease to be called after its real parents and instead its percentage will be linked exclusively with the adoptive parents; (2) An additional set of persons in the adoptive family will be artificially created to fall in the prohibited degree of marriage of the child, and (3) in matter of inheritance, the adopted child will cut into the share of those in the adoptive family and will lose all share in the estate of its real parents and others.

The verses of the Quran relied upon are :

"It does not lie with any believing man or woman to make a decision of their own in any matter which has already been decided by Allah and His Apostle". (66.1)

"Neither has Allah made your adopted sons your sons in fact. Such is only your manner of speech by your mouths. But Allah tells you the Truth and He shows the right way". (33.4)

"Call them (the adopted children) after their true fathers, that is more equitable in Allah's reckoning". (33.5)

"O people ! Muhammad is not the father of any male person from amongst you but he is the prophet of Allah—the last among Prophets—verily Allah has full knowledge of all things". (33.40)

The following tradition, reported by Sa'd bin Abi waqqas and recorded in BUKHARI, MUSLIM and ABU DA'UD, was also quoted:

"Entry into heavens is forbidden for him who calls himself the son of some person other than his real father while he knows that that man is not his father".

4. These consequences flow from the clause 13(2) of the Bill which reads:

"A child in respect of whom an adoption order is made shall be deemed to be the child of the adopter or adopters and the adopter or adopters shall be deemed to be the parent or parents of the child as if the child had been born to that adopter or those adopters in lawful wedlock for all purposes (including intestacy) with effect from the date on which the adoption order takes effect and, from such date, all the ties of the child in the family of his or her birth shall be deemed to be severed and replaced by those created by the adoption order in the adoptive family."

5. I had shown that in view of the legal consequences to follow compulsorily from an adoption, as mentioned above, the argument, that taking into adoption would be optional, holds no water as besides sanctifying an act done in clear defiance

o Shariat will also infringe the rights of others granted to them by the Shariati laws creating an irreconcilable conflict with the Muslim Personal Law (Shariat) Application Act, 1937. Section 2 of the Act reads: "Notwithstanding any custom or usage to the contrary, in all cases.... regarding intestate succession.... marriage, dissolution of marriage.... maintenance.... the rule of decision in cases where the parties are Muslims shall be the Muslim Personal Law (Shariat)".

6. Mr. Hameedullah Beg sent a reply to my letter with a desire that it may be published in *RADIANCE*. It is accordingly reproduced below without comments as I do not think it merits any further comment by me. The letter states :

"I happen to think that the tenets of Islam are not so narrow as to exclude a number of people who do, it seems, practice adoption and accept all the consequences, you have pointed out, without ceasing to be Muslims."

"The question before the Minorities' Commission was whether such persons, who do not accept your view on this question, should also be allowed their freedom of opinion and action or not. The Minorities' Commission has given the opinion that those who think that adoption is against Muslim religion, together with those who think that it is not against Muslim religion, should each have the freedom to act according to their own beliefs. This is what Article 25 of the Indian Constitution contemplates. It gives every individual the right to religious freedom."

"You are at liberty to call a person who exercise his right to adopt under any statutory provision, a non-Muslim. You are also free to teach that Muslim religion prohibits adoption. But, you are not permitted by the Indian Constitution to impose this opinion upon those who do not accept it as correct. The balance between the two points of view is maintained by the advice given by the Minorities' Commission that, if the adopting parents as well as the adopting children or, if they be minors, those competent to make declarations for them, first declare that their religious beliefs do not prohibit adoption, they may be permitted to proceed with the adoption. The Court, which decides what is best in the circumstances of each case, cannot proceed further unless such a declaration is there."

--The Indian Constitution does not give a right to anyone to impose his or her belief or will on anybody else of matters of religion. This is what the Minorities Commission has said. It has not given any opinion contrary to your religious beliefs."

"This position of doubt amongst Muslims about adoption is mentioned by me in a preface to a book which you may read in addition to the opinion of the Minorities' Commission which is based on an interpretation of the Holy Quran itself as translated by Abdullah Yusuf Ali and also by Dr. Mohammad Maraduke Pickthall. Names of prominent Muslims who seem to think that two views are possible include that of Vice-President Hidayatullah."

"It is possible that the matter will be tested in courts of law and the exclusion of Muslims, which the Government has accepted, may not be held to be Constitutional by our courts. In any case, the Government having decided to exclude Muslims from the purview of the Bill, you should have no grievance. You should prepare yourself to convince a court before which the exclusion may be challenged that your view is correct. I can not say what the decision of the court will be."

"I am asking my office to send you a photostat copy of the opinion mentioned above. You may also see the view of a Parsi lady in the STATESMAN of 26th July, 1983."

"I will be glad if you could see that, whatever may be your own interpretation of the Islamic religion and law, others entertaining a different opinion are equally entitled to their freedom of belief and action. This is the purpose of Article 25 of our Constitution. I hope that the confusion, if any, has been cleared by me. You are as much entitled to put forward your opinion and to ask Muslims to accept it as those who do not agree with you on the definition of a Muslim."

"I am no longer a judge. But, if the matter comes before a court, it is likely to ask the question: "Does a person cease to be a Muslim if he adopts under statute?" If the answer is in the affirmative, I am afraid, Turks, Tunisians and Malaysians will cease to be Muslims. I am not prepared to go so far. This is all that the opinion given by the Minorities' Commission means. It means that even those who give a declaration that adoption is not contrary to their religious beliefs and make a distinction between the law, governing their relations with others and religion, governing their relations with their God, are Muslims."

"The Report of the Seminar sent by you also shows that Turks and Tunisians and others, who claim to be Muslims, are not denied this freedom even in some Muslim countries. Can we deny this freedom to Muslims in a country governed by our Constitution containing Article 25 of the Constitution? This is what the courts will have to decide if such a question is raised before them. No law in India can override the Constitution."

"Our Constitution gives each individual his or her religious freedom. It does not give any group a right to thrust its view on even one individual. Hence, individual Muslims, denied the right to adopt, or to be adopted, could challenge the law denying their right as a violation of Article 14. The Courts as well as the Minorities' Commission of India are bound by a Constitution which gives equality to Muslims together with non-Muslims on matters of religion."

"You would, presumably, not like at least some 'Muslims' to be denied equality. The Commission, which is not there to declare what is the correct religious tenet but has to see that members of all minority groups—even within a minority—get equal treatment with those of majority groups everywhere in India, has given its honest opinion. It is left to the Government and Parliament to decide what they should do."

ANNEXURE—IX

(Ref. Ch. III, para 3.5)

NOTE BY CHAIRMAN ON THE APPLICATION OF THE CHILDREN'S ADOPTION BILL, 1980 TO THE MUSLIMS

1. In the Opinion given by the Commission on Adoption of Children Bill, it was not noticed that Section 3, Sub-section (1)(a) of the Shariat Act itself makes it obligatory upon every Muslim to make a declaration before the Muslim Shariat could apply with regard to Adoption, wills and legacies to any person claiming to be a Muslim. Hence, the suggestion of the Commission, that a declaration in prescribed form be required before the provisions of the Adoption of Children Bill, is applied to any person claiming to be a Muslim is not only in consonance with the provisions of Section 3, Sub-section (1) of the Shariat Act, 1937 itself but it recommends an additional declaration, as a precautionary measure, before excluding the application of the Muslim Shariat, whatever it may be, to individuals claiming to adopt or to be adopted. As the law now stands, the Muslim Shariat, whatever it may enjoin, is applicable to adoptions only after such a declaration. This will be an additional argument against the total exclusion of Muslims from the benefits of the Adoption Bill.

2. The view of Mr. S. Ameenul Hasan Rizvi in the "Radiance Views Weekly" of 23-29 October, 1983 a copy of which is attached herewith, is based on putting together various statements out of context, from different places, so as to suggest that only those who accept Mr Ameenula Hasan's interpretation can be said to respect the Holy Quaran and the Sunna of the Prophet who had himself adopted a son who died in his lifetime. It does not either cite other relevant statements or parts of the Holy Quaran or interpretations accepted by other Muslims. It does not answer the reasoning which induced the Commission to reach the conclusion that another interpretation is also possible. It appears that the codes of law in Tunisia and Malaysia and Turkey allow adoption under statutes by accepting an interpretation of the Muslim Shariat different from Mr. Rizvi's.

3. In the circumstances of the case, it is necessary to invite a Clarification of the reasoning on which adoption was introduced in Tunisia, in Malaysia, and in Turkey by statutory law governing Muslims there. It would be useful for the Commission to ascertain, through appropriate channels, the reasoning which was accepted by Muslims in Tunisia, Malaysia, and Turkey before further clarification, as a part of the Commission's functions, as a "clearing house for information" relating to minorities, is given. It would at least show how Muslims in other countries apply or use reasoning other than that of Mr. Rizvi.

4. It is necessary for all citizens of India, including members of minority communities, to fully understand the implications of Article 25 and other Articles affecting religious freedom and the guaranteed liberty of conscience, of expression, and of conduct which is not contrary either to health, morals, or public order. Correct expositions on such matters form an essential part of the functions assigned to the Minorities' Commission of India by its terms of reference. Obviously, Mr. Rizvi's view is that anyone, who does not accept his interpretation or questions it on the ground that it is partial or given with the help of statements torn out of their contexts, goes against the will of God and His Prophet. Even if it were true that Mr. Rizvi's interpretation represents the "command of God and His Prophet", neither the Commission nor its Chairman deny his right to say so. They simply take note of the fact that there are also other Muslims—eg in Tunisia, Turkey and Malaysia—who, bow before the "commands of God and His Prophet" as they see them or understand them. The Commission only says that the Indian Constitution demands due respect for each differing interpretation even on a question of religion. It does not claim the right and no court of law or other Governmental authority in India can claim the right or power which Mr. Rizvi claims : the power to exclusively represent and articulate the commands of God and the Prophet.

5. What the Commission cannot accept as correct is that Mr. Rizvi should deny to others the right to say, as he does of others, that it is they who really "bow in submission before the commands of God and His Prophet" and that it is Mr. Rizvi who refuses to do so because he does not correctly interpret the commands of God and the Prophet.

6. Neither the Commission nor its Chairman have determined what the correct interpretation is from a religious point of view. But, they have correctly interpreted the law of the Constitution

And, Mr. Rizvi cannot and has not denied that. In desperation, he ends up by incorrectly charging the Chairman with a refusal which is not there. He, however, shuts his eyes to a refusal which is there : a refusal to interpret religion or to lay down what is correct in Islam. To equate freedom to interpret Islam, as different groups in it see it, with disrespect for the "commands of God and His Prophet" does disclose an alarming intolerance which Muslims, as well as other minorities, must avoid at any cost or else they cannot progress or change for the better. Intolerance invites counter intolerance, conflict, and suppression. Does Mr. Rizvi want to invite that ? The Commission's view, based on what the Constitution says, avoids that.

7. It is for the general public, after it is correctly informed, to say what the Constitution of India says, or what Mr. Rizvi's point of view represents, is better on this subject for Muslims.

ANNEXURE—X

(Ref. Ch. III, para 3.5)

**INFORMATION REGARDING LAW OF ADOPTION
GOVERNING MUSLIMS IN TUNISIA**

Embassy of Tunisia
B-9/22 Vasant Vihar
New Delhi
No 05/ATND/Sec.
Mr. J.L. Kanojia
Under Secretary
Minorities Commission
Lok Nayak Bhavan, 5th Floor,
Khan Market,
New Delhi-110003

10th January 84

Dear Mr. Kanojia,

I wish to acknowledge receipt of your letter of the 27th of December 1983 informing me of the study being conducted by the Minorities Commission on the problems relating to the adoption of children.

With reference to your request, I am enclosing herewith Law No. 58-27 of 4 March 1958 pertaining to Public and Official Guardianship and Adoption (Section III). You will find copies in French and Arabic, with an unofficial English translation.

Should you have any questions, please do not hesitate to contact me.

With best regards, I am

Yours sincerely,

Sd/-

Khemaies JHINAoui

First Secretary

Encl : Three.

Unofficial Translation

Law No. 58-27 of 4 March, 1958
Pertaining to Public and Official Guardianship
and Adoption

Section III

Adoption

Art. 8 Adoption is permitted pursuant to the conditions laid down in the following Articles.

Art. 9 The adopting party must be a major of either sex, married, and fully competent and able.

He must be of good moral character, sane of body and mind, and capable of providing for the needs of the adopted person.

The judge may, when the welfare of the child demands, grant a dispensation from the stipulation of marriage to an adopting widow/widower or divorcee/divorcee.

In this case, he must compile all relevant information, evaluating the causes and conditions of the adoption, in the light of the child's welfare.

Art. 10 The age difference between the adopted and adopting party must be at least 15 years, except in the case where the adopter is the child of the spouse of the adopting party.

A Tunisian may adopt a foreign child.

Art. 11 In every case, and taking into account the provisions of the second and third paragraphs of Article 9, the spouse's consent is required.

Art. 12 The adopted party must be a minor of either sex.

However, during a transitional period which will end on 31 December 1959, the adoption of a major child will be permitted when it has been established that he has been in the charge of the adopting party since his coming of age and that he fully consents to his adoption.

Art. 13 The act of adoption is established by a judgement rendered by the district judge, in his office, in the presence of the adopting party, his spouse, and if possible, the father and mother of the adopted party, or a representative of the administrative authority invested with the public guardianship of the child or of the official guardian.

The district judge, after having assured himself that the conditions required by law have been fulfilled, and after having obtained the consent of the parties who are present, renders the adoption judgement. The rendered judgement is final.

A certificate of the adoption judgement is transmitted, within 30 days, to the officer in charge of civil status of the appropriate territory, who will then transcribe it on the birth certificate of the adopted party.

He may change his given name, at the request of the adopting party, it will be so indicated on the adoption judgement.

Art. 15 The adopted party has the same rights and the same obligations as a legitimate child.

The adopting party has, with regard to the adopted party, the same rights recognised by law as those of the legitimate parents as well as the same obligations as imposed by law.

However, if the natural parents of the child are known, the same conditions prohibiting marriage as cited in Articles 14, 15, 16 and 17 of the Code of Personal status will apply.

Art. 16 The "Tribunal de premiere Instance" (Lower Court) may, at the request of the Public Prosecutor of the Republic, withdraw the guardianship of the adopted party from the adopting party if it has seriously failed in its obligations and may entrust it to another persons, taking into account the child's welfare.

ANNEXURE—XI

(Ref. Ch. III. para 3.5)

INFORMATION REGARDING LAWS OF ADOPTION
GOVERNING MUSLIMS IN MALAYSIA

Malaysian High Commission,
50-M Satya Marg, Chanakyapuri,
New Delhi-110021.

Ref. No. (032) 617/1/5

Dated : 23rd March, 1984.

Dear Mr. Kanojia,

Re Children Adoption Bill

Further to my letter in this series dated 6th March 1984 on the above subject, enclosed please find a copy on "Registration of Adoptions Act, 1952 Revised—1981" received from the Ministry of Welfare, Malaysia. Though this Act is being followed at present for the adoption of Muslim Children, the authorities are still processing it to amend this Act according to the Malaysia Islamic Law.

With regards,

Yours faithfully,

Sd/-

(Ibrahim Bin Ahmad)

Mr. J. L. Kanojia,
Under Secretary,
Minorities Commission
Lok Nayak Bhawan (Fifth Floor),
New Delhi-110003.

LAWS OF MALAYSIA

Act 253

REGISTRATION OF ADOPTIONS ACT. 1952

(Revised—1981)

An Act to provide for the registration of adoptions.

(1st January 1955)

I N. 732/54

Short title and application. Interpretation

1 (1) This Act may be cited as the Registration of Adoptions Act. 1952

(2) This Act shall apply to West Malaysia only

2. In this Act, unless the context otherwise requires—

“guardian” means the person having the legal right to the custody of the child;

“Registrar” means a Registrar of Adoptions appointed under section 4 and includes a Deputy Registrar;

Ord. 61/57

“the Registrar-General” means the person appointed to be Registrar-General of Births and Deaths, Malaysia in accordance with section 3(1) of the Births and Deaths Registration Ordinance 1957;

20/67

“West Malaysia” has the meaning assigned thereto in section 3 of the Interpretation Act, 1967, and includes the Federal Territory

The Registrar-General

3. The Registrar-General shall have general charge and supervision of all registers of adoptions kept under this Act and all Registrars of Adoptions shall be subject to his directions for the purposes of this Act.

Appointment of Registrars of Adoptions

4. The Ruler or the Yang di-Pertua Negeri may appoint so many public officers, by name or by office to be Registrars of Adoptions for the State or for such area as may be specified

in the appointment for the purposes of this Act or to be and to act as the Deputy of any such Registrar when such Registrar is absent from such State or area or is ill or when his office is temporarily vacant.

Registrar's Register and note-book (Am. Ord. 47/57)

5. Every Registrar appointed under this Act shall keep a register in the form in the Second Schedule and he shall enter therein the particulars to be registered concerning the adoption and he shall also keep a book to be called the Registrar's note-book in which he shall record in his own hand all proceedings in respect of the registration of any adoption, the details of the identity of the adopted child, the name of the person adopting it, the name of the person, if any, consenting to the adoption and all evidence taken by him in any such proceeding under this Act.

Registration of de facto adoptions

6. (1) Where, at the date when application for registration is made, any child under the age of eighteen years, who has never been married, is in the custody of, and is being brought up, maintained and educated by any person, or by two spouses jointly, as his, her or their own child under any *de facto* adoption, and has, for a period of not less than two years continuously and immediately before the date of such application, been in such custody and has been so brought up, maintained and educated, the Registrar may, upon the application, in the form in the First Schedule, of such person or spouses, register the adoption if—

- (a) such person or spouses and the child shall appear before the Registrar and shall produce to the Registrar such evidence either oral or documentary as may satisfy the Registrar that such adoption took place,
- (b) the parents or one of the parents, or, if both the parents are dead or if neither of the parents is within West Malaysia, any guardian of the child shall appear before the Registrar and express consent to the adoption :

Provided that if the Registrar is satisfied that in all the circumstances of the case, it is just and equitable and for the welfare of the child, he may dispense with the consent of any parent or guardian

of the child or with the appearance of any parent or custodian who shall have signified his consent by statutory declaration, and

(c) the prescribed fees are paid.

(2) The Registrar shall register an adoption by entering the particulars thereof in the register.

Copies of registration to be delivered to applicant
(Am. Ord. 10/58)

7. (1) Upon the registration of an adoption in accordance with section 6, a certified copy of the entry in the register signed by the Registrar shall be delivered or sent to the person or spouses who applied for such registration, and a certified copy of the entry in the register shall be sent, within such period as may be prescribed, to the Registrar-General; and all such certified copies shall constitute the adoption register of the Registrar-General.

(2) If the particulars contained in the certified copy of the entry in the register in respect of any adoption, upon being forwarded to the Registrar-General in accordance with subsection (1), appear to the Registrar-General to be identical with those of an adoption the registration of which has been cancelled in accordance with this Act, he shall return the said certified copy to the Registrar by whom it was sent together with particulars of the adoption the registration of which has been cancelled and the said Registrar shall thereupon call upon the parties to show cause why the registration of the said adoption should not be cancelled and if the parties fail to show cause, the Registrar shall cancel the registration of the said adoption.

Parties and witnesses bound to speak the truth

8. (1) Every person who gives evidence before the Registrar shall be bound to state the truth and to answer truthfully all questions which the Registrar may put to him.

F.M.S. Cap. 45

(2) Any person who gives any evidence in any enquiry under this Act which he knows to be untrue, or who does any other act, which if done in a judicial proceeding would be punishable under Chapter XI of the Penal Code, shall be punishable on conviction as provided in that Chapter in the same way as if the act had been done in or in relation to a judicial proceeding.

Powers of Registrar

9. For the purposes of this Act, every Registrar appointed under this Act shall have all the powers of a First Class Magistrate for the summoning and examination of witnesses and the administration of oaths and affirmations.

Refusal of registration

10. (1) If the Registrar is not satisfied of the truth of any statement made to him, he may refuse to register the adoption or if he requires evidence with regard to any particulars required to be registered, he may postpone registration and he may call for any further evidence that he thinks necessary :

Provided that the Registrar shall record in the Registrar's note-book his reasons for any such refusal or postponement.

(2) The Registrar shall not register any adoption unless the person applying for registration, or in the case of an application by two spouses, one of the spouses—

- (a) has attained the age of twenty-five years and is at least eighteen years older than the child in respect of whom the application is made;
- (b) has attained the age of twenty-one years and is a brother, sister, uncle or aunt, whether by consanguinity or affinity, of the child, or, if the child is illegitimate, a person who would be so related if the child were legitimate; or
- (c) is the mother or father of the child.

(3) The Registrar shall not register any adoption in respect of any person or of any child not ordinarily resident in West Malaysia.

(4) The Registrar shall not register any adoption in respect of any child who has been the subject of an adoption order made in accordance with the Adoption Ordinance, 1952.

(5) There shall be no appeal from the cancellation by a Registrar of the registration of an adoption or from the refusal of a Registrar to register an adoption, but such refusal shall not debar the same or another Registrar from registering it if subsequently satisfied that the grounds for his refusal to register either did not exist or have since been removed.

Validity of an adoption not affected by registration or non-registration (Am. Ord. 17/57)

11. Neither the registration of nor the omission to register any adoption shall affect the validity of the adoption; and, provided that the identity of the adopted child, the person who adopted it and the consenting parties are established with reasonable certainty by the particulars recorded in the Registrar's note-book, no error in the particulars recorded in the Register nor any omission to record any particular which ought to have been recorded shall affect the validity of the Registration of the adoption.

Search for and certified copy of entry in adoption registers (Sub. Ord. 10/58)

12. (1) The Registrar-General and every Registrar shall cause indices to be made of the registers of adoptions kept by them, and any person upon application to the Registrar-General or Registrar, and upon payment of the prescribed fee, shall be entitled to have a search made in the adoption register and index thereof, and to have a certified copy of any entry in such register.

(Am. Ord. 10/58)

(2) Every certified copy of any entry in a register of adoptions, if such copy purports to be signed by any person entrusted under this Act with the custody of any Register of Adoptions, shall be received for all purposes and in all courts as evidence of the adoption to which it relates, and, where the entry contains a record of the date of the birth of that adopted child, shall be received not only as evidence of the adoption but also as evidence of the date of the birth of the adopted child, without further proof of such register or of any entry therein or of such signature, but not of the validity of such adoption; but a court may, in the absence of any evidence to the contrary, presume any adoption so registered to have been valid and the onus of providing that there was no such valid adoption shall be on the person alleging the same.

Amendment of register

13. (1) Any Registrar having custody of any register in which an adoption has been registered in accordance with this

Act may, on application in the prescribed manner and on payment of the prescribed fee by the person or spouses who applied for such registration or by the child, amend the register by the correction of any error in the particulars contained therein, and where an entry in the register is so amended, a certified copy of the amended entry in the register signed by the Registrar shall be delivered or sent to the person or spouses or to the child and a certified copy of the amended entry in the register shall be sent, within such period as may be prescribed, to the Registrar General.

(2) The Attorney-General may apply to a Sessions Court to cancel the registration of any adoption in such manner as may be provided by rules made under the Rules Committee and the court shall send a copy of the order made in every such application to the Registrar by whom such adoption was registered to the Registrar-General and the register shall be amended by cancelling the registration of such adoption if the court so orders.

(3) Where, in any proceedings, it appears to a court not below the court of a First Class Magistrate that an adoption registered in accordance with this Act is invalid and the court so orders, a copy of the said orders shall be sent to the Registrar by whom such adoption was registered and to the Registrar-General and the register shall be amended by cancelling the registration of such adoption.

(4) Any person, whether or not a party to the proceedings, who is aggrieved by any decision of a court under sub-section (2) or (3), may appeal to the High Court or to the Federal Court (as the case may be) and from the High Court to the Federal Court, in such manner as may be provided by rules made under the Rules Committee.

Offences and penalties

F.M.S. Cap. 45

14. Any person who forges any entry in any register kept or any certified copy of any entry therein given under this Act or who fraudulently or dishonestly uses as genuine any such certified copy which he knows or has reason to believe to be forged, shall be punishable on conviction with the penalty provided in section 466 of the Penal Code for offences punishable under that section or under section 471 of the Penal Code, as the case may be.

Registrars to be public servants F.M.S. Cap. 45

15. Every Registrar appointed under this Act shall be deemed to be a public servant within the meaning of the Penal Code.

Rules

16. The Rules Committee may make rules for the purposes of this Act and, without prejudice to the generality of the foregoing provision, may in particular make rules—

- (a) prescribing the fees to be charged under this Act;
- (b) prescribing the manner in which the Registrars shall exercise the powers conferred upon them by this Act;
- (c) providing for the supply and custody of all registers and Registrar's note-book is kept under this Act and their disposal; and
- (d) generally for carrying out the purposes of this Act.

FIRST SCHEDULE

(Section 6)

Registration of Adoptions Act, 1952

APPLICATION FOR THE REGISTRATION OF AN ADOPTION

See note (i)

See Note (ii)

See Notes (iii) and (viii)

Application for the registration of the adoption of a child named (i)..... formerly (ii).....

I, the undersigned born in.....
 race religion (if any)
 ordinarily resident at

And I, the undersigned his/her/wife/
 husband born in race.....
 religion (if any)..... ordinarily
 resident at hereby state :

See Note (iv)

- (1) I am/we are desirous that the adoption of
 a child of the sex, and of the
 race, and religion
 (if any) ordinarily resident at
 hereinafter called "the child" be registered under
 the Registration of Adoptions Act, 1952.

See Notes (v) and (vi)

- (2) The father of the child is
 race religion (if any)
 born in and
 now resident at whose written
 consent is appended hereto; and the mother of the
 child is race
 religion (if any) born in
 and now resident at
 whose written consent to the
 adoption is appended hereto.

See Note (vii)

- (3) The child was born on the day of
 19 and is (a) identical
 with the child to whom the attached certified copy
 of an entry in the Register of Births relates; or (b) is
 identical with the child to whom the attached statu-
 tory declaration relates.
- (4) The child is ordinarily resident in West Malaysia
 and has never been married.
- (5) The child was on day of
 19 in my/our custody, and being
 brought up, maintained and educated by me/us as
 my/our own child and has been in my/our custody
 and so maintained and educated from that date
 onwards

See Note (vi)

- (6) The guardian of the child is
 of the race and
 religion (if any) born in
 now resident at

 whose written consent to the adoption is appended
 hereto:

- (7) I am by occupation
 and am ordinarily
 resident in West Malaysia.

Delete whichever of (8) or (9) does not apply

- (8) I am/We are not under 25 years of age, being of
 the age of years, and am/are
 not less than 18 years older than the child and am/are
 a fit and proper person(s) to maintain and bring
 up the child suitably.
- (9) I am/We are not under 21 years of age, being of the
 age of years, and are related to
 the child, being

Delete whichever is inapplicable

See Note (iv)

- (10) (a) I/We have not agreed to make any payments to the
 parent(s) guardian(s) of this child.
- (b) I/We have agreed to give remuneration to the parent(s)/
 guardian as under
- (c) I/We have not received or agreed to receive any pay-
 ment or other reward in consideration of the adop-
 tion of this child except

See Note (x)

- (11) I/We have/have not made previous application under
 the said Act in respect of the child to any Registrar.

I do/We do each of us severally solemnly and sincerely
 declare that the particulars contained in this application are true
 and I/We each of us severally make this solemn declaration
 conscientiously believing the same to be true and by virtue of the
 provisions of the Statutory Declarations Act, 1960. (Act 13).

Subscribed and solemnly
 declared by the abovenamed Signature of
 Applicant(s)
 at
 in the State of.
 this day of

Before me, Registrar of Adoptions

Interpreted by me and signed in my presence.

Interpreter

Notes:

- (i) Insert name or names by which the child is to be known.
- (ii) Delete where there is no change of name. Where there is change of name, insert former name, including surname.
- (iii) Where the application is made by two spouses jointly, the Form should be modified and where the form requires particulars of the applicant to be given, particulars should be given as regards each of the person by whom the application is made.
- (iv) Insert name or names by which the child is to be known.
- (v) Where a parent of the child is dead, the parent's name should be given and the fact stated.
- (vi) If a written consent is not appended, the form should be modified so as to indicate that the applicant desires the Registrar to dispense with the consent of the person or body concerned.
- (vii) A certified copy of the entry of the child's birth in the Register of Births is required to be appended to the application in all cases where it can be obtained, or failing this, an affidavit certifying the age and place of birth of the child.
- (viii) This form is required to be completed in duplicate but the documents appended are not required to be in duplicate.
- (ix) There should be inserted here any gifts made or received by the applicant, parent or guardian or any other interested party.
- (x) If a previous application has been made, full particulars thereof must be given.

(AM O L 47/57)

SECOND SCHEDULE

(Section 5)

FORM OF ENTRY IN REGISTRATION OF ADOPTIONS REGISTER

No of Entry	Date and place and country of birth of child	Adoptive name and surname of child	Sex of child	Name & surname, full address and occu- pation of adopter(s)	Date & place of registration of adoption & name of Registrar	Signa- ture of Regis- trar
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LAWS OF MALAYSIA

Act 253

REGISTRATION OF ADOPTIONS ACT 1952
(Revised—1981)Particulars under section 7 (ii) and (iii) of the Revision of Laws
Act, 1968 (Act 1)*List of Amendments*

Amending law	Short title	In force from
Ord. 47/57	Registration of Adoptions (Amendment) Ordinance, 1957	27-8-1957
Ord. 10/58	Registration of Adoptions (Amendment) Ordinance, 1958	1-6-1958
I.N. 552/58	Federal Constitution (Modification of Laws) (Ordinances and Proclamations) Order, 1958	13-11-58
Act 91	Courts of Judicature Act, 1964	16-9-1963 & 16-3-1964
Act A354	Constitution (Amendment) Act 1976	27-8-1976

LIST OF LAWS OR PARTS THEREOF SUPERSEDED

No.	Title
F.M.Ord. 54 of 1952	Registration of Adoption Ordinance, 1952.

ANNEXURE-XII

(Ref. Ch. III, Para 3.5)

INFORMATION REGARDING LAW OF ADOPTION GO-
VERNING MUSLIMS IN TURKEY

TURKISH EMBASSY
NEW DELHI

No. 50, Nyaya Marg,
Chanakyapuri,
New Delhi-110021.
30th December, 1983

Mr. J L. Kanojia
Under Secretary
Minorities' Commission
Lok Nayak Bhawan
(Fifth Floor)
Khan Market,
New Delhi-110003

Dear, Sir,

Referring to your letter dated December 27, 1983. I have the pleasure to inform you that since its foundation on 29th October, 1923, the Republic of Turkey is a secular State. There are neither Shariat Laws nor Religious Courts in Turkey.

As a consequence of this historical fact, all laws in force in Turkey are secular. I wish particularly to emphasize that adoption is part of our Civil Law which was put into effect some sixty years ago, on the basis of the Civil Code of Switzerland.

Yours faithfully,

Sd/-

Tevfik Ufuk Okyayuz
Chargé d' Affaires a.i.

ANNEXURE-XIII

(Ref. Chapter III, Para 3.9)

NOTE BY VEN KUSHOK G. BAKULA, MEMBER, MINORITIES' COMMISSION, ON PERSONAL LAW OF THE BUDDHISTS

Form of life

1. The Buddhist society being patriarchal, father reigns supreme. But, men and women, members of a family have full right to choose the mode of their life. A man can become a monk and a woman a nun, if they choose so. Once a man or a woman takes to monastic life, he or she forfeits the right of inheritance. But, however, they continue to be looked after by the family in respect of their provisions or clothings. The middle of a set of three or more brothers could take to monastic life, if he so chooses.

Nature of marriage

2. Marriage is a social contract and in specific cases, a marriage contract is drawn up. The contract may be executed formally by the parents of a boy and a girl and may stipulate the obligations of the prospective spouses. The most common form of marriage is one in which the bride marries into the bridegroom's family where she is known as 'Nama'. The bride is not taxed with dowry. On the other hand, it is the groom's side which has to present her clothes and jewellery. There is another form of marriage under which the groom marries into the wife's family and who is thus known as 'Mag-pa'. Under such a wedlock, he may bring some endowments from his own family but will have no say whatsoever in his parent's family affairs thereafter. The eldest son of a family succeeds his father, while the younger sons could either lead an independent life or take to the monastic life or even join another family as a 'Mag-pa'.

3. The following rules are generally observed in matrimonial matters : —

1. The prospective couple should be seven generations apart in their blood relation.

2. The girl should be one who is not betrothed to any other person.
3. Forced marriage is not permissible.
4. Marriage by seduction of one, who is under monastic ordination, is prohibited.
5. Marriage against the will of the parents is not permissible though personal choices are now exercised by the modern generation.
6. Marriage by jeopardising the plans of one, who intends to take up monastic life is prohibited.
7. Marriage with a minor girl is prohibited.

Forms of marriage

4 All forms of marriage, viz, monogamy, polygamy and polyandry are permissible as long as they further the family interest. Preservation of property, avoidance of its fragmentation and expansion of assets have been at the root of these marital oddities. In a polygamous family, the wife presides over family affairs and controls the purse strings. Similarly, in a polyandrous set up, the eldest brother assumes the role of the family head and takes care of the members of the family. This form of marriage has since been abolished by law and otherwise also does not find favour with the modern generation.

5. A marriage contract may stipulate the ascribed paternity of any issue. It may also specify punishments or fines which a husband will suffer in the event of his mistreating his wife or due to squandering away the family's financial resources. Women are also liable to punishment for misbehaviour, etc. Should the terms of the contract be violated, the respective families or friends of the spouses may act as intermediaries. If there is a possibility or a desire for reconciliation, an amended contract may be drawn up with the guarantee that the offender(s) will abstain from improper behaviour.

Law of inheritance

6. The laws of inheritance vary from place to place. Generally, the property is inherited by the sons or brothers of the deceased. When the father dies, the sons remain in joint possession of the property, unless the common mess frets and unpleasantness passes all limits. In such a case, the son (not neces-

sarily the eldest), who is regarded as the best or the most dependable, is entrusted with the task of carrying on the family. He receives a larger share of the family property, especially of the land. The other sons may marry into other families or become monks. Where there are sons, daughters receive no share of the land. But, in any case, they are given a small share of movable property when they get married.

7. If, however, a father dies leaving behind a daughter but no male issue, the daughter inherits the property. When she marries, she adopts her husband into her family who is known as 'Mag-pa'. She does not take his name, but retains hers. In such a case, she is entitled to the deciding voice in the management of the property.

Divorce patterns

8. Divorces are permissible on grounds of excessive gambling, drinking or too expensive extra-marital affairs. A divorce may take place by mutual agreement when a spouse in a polyandrous or polygamous wedlock desires to set up a separate or a monogamous household. Divorce contracts could be as detailed as marriage contracts specifying disposition of children, compensation to women for having borne children, visitation rights and financial settlement. With regard to custody of children, the male child goes to the father and the female to the mother.

Monks and Nuns

9. The Personal Law of monks and nuns is governed by the Vinaya Rules, which are very comprehensive and, therefore, I do not consider it necessary to make a detailed mention thereto. These Rules, among other things, emphasise observance of complete celibacy and a total disciplined life by them. When monks and nuns take to renunciation, they also lose their rights on family property, though the family, as a practice, contributes towards their maintenance. Their maintenance, however, is the responsibility of the monastery they are associated with.

ANNEXURE-XIV

(Ref. Chapter III, Para 3.9)

NOTE BY Mrs. ANNIE THAYIL, MEMBER, MINORITIES' COMMISSION, ON PERSONAL LAW OF CHRISTIANS

1. It is in the pattern of Roman Law. Father is the sole proprietor of family property. None can question him. He can dispose it at his own will and pleasure. It is just the same for Christians too. No birth right is recognised

2. Kerala is the State where we have the maximum number of Christians. In Kerala, formerly, we had two separate States—Travancore and Cochin. In each State, there was an Act, for Christians—Travancore Christian Succession Act for Travancore, and, Cochin Christian Succession Act for Cochin. Both these Acts were passed nearly 63 years ago.

3. As we said above, the father is the sole proprietor of the family property. He can will it away as he likes. But, if he dies intestate, then the question of rights arise. Only then it will arise. Then according to the Travancore Act, the daughter gets 1/4 of that of the son or Rs. 5,000, whichever is less. Take the case of one daughter and one son. Then if the father is worth Rs. 10,000, the daughter gets 1/4th of it, i.e. Rs. 2,500. The son will get Rs. 7,500. And if the father is worth Rs. One Lakh, the son gets Rs. 95,000 and the daughter gets only Rs. 5,000—“1/4th or Rs. 5,000, whichever is less” is the provision—see how kind men are:

4. According to the Cochin Act, the position is slightly better. The daughter gets 1/3rd of that of the son.

5. Regarding widows, under the Travancore Act, the widow gets equal to that of a son, but it is only life estate, and under Cochin Act, 2/3rd of that of a son, but rights absolute.

6. Indian Succession Act came into force in 1951. It was made applicable to all, excepting Hindus and Muslims, who have their Personal Laws. According to this Act, the daughter are entitled to get equal share with that of their brothers.

7. A case came up in the Kerala High Court, August V. Aley. It was in 1956. Facts of the case are very interesting.

8. A rich priest by name Joseph died in Vykom. Vykom is in Travancore area. The Priest died intestate. He had not written out his will. Naturally, the question of rights arose. He had two brothers and two sisters. To whom should his wealth go? The brothers contended that the wealth of their brother, Joseph, belonged to them. Their argument was this. The sisters were given their family share and married away. But the sisters argued that, the Indian Succession Act, a law that came later, is the one that is to be made applicable. The case came before the High Court—a single Bench. The decision went against the women. It was Section 29(2) of the Indian Succession Act that created the mischief. It says: "This will be saved by any other law for the time being in force".

9. Thus, sisters lost and brothers won the case. It did not go up in appeal. 27 years have passed and this is the law even now.

10. Now, a new case has come up. Kerala High Court naturally stood by the 1956 decision. But, this case has gone up in appeal to the Supreme Court and we are awaiting the decision.

11. Normally, there are only two ways for salvation—either Parliament should strike down Section 29(2) of the Indian Succession Act or Kerala Assembly should repeal the Travancore-Cochin Acts.

12. There is also a very funny side for this law. Kerala is formed of three parts. Besides Travancore and Cochin, a portion of Madras, that was called Malabar, also is there. The particular portion cut apart from Madras and added on to Kerala, is still governed by the Indian Succession Act. A very good number of Christians are there and they enjoy the benefits of this Act, whereas we, in the States, have to suffer by the provisions of the above said State Acts. What injustice?

Marriage Law

13. Concept of marriage under the Christian Law is the permanent union of one man and one woman to the exclusion of all others, the Roman Catholics consider it as a sacrament while the Anglicans and other Protestant Churches consider marriage as an institution approved in the legal sense—marriage is the civil contract.

Divorce

14. Law relating to divorce is the Indian Divorce Act, 1869.

Catholics

15. Majority of Christians are Catholics. As far as the Catholics are concerned, the Church Law regarding divorce is very strict. Many do not go in for that, just because it is so difficult to get it. But, the Church does give it under very special circumstances. Church looks into it mainly on two grounds: physical and mental.

Physical

1. Impotency
2. Leprosy
3. Madness

In the last two cases, *i.e.* Leprosy and Madness, one has to prove that the person had it before marriage.

Mental

One has to prove that :

1. The person had no intention to marital fidelity.
2. There is no intention to discontinue sexual relation.
3. Perseverence in adulterous sexual relation.

Such grounds have to be proved by evidence. The evidence is taken in the Curia (the Court) of the Church. Then, it has to go to the Appellate Court of the Church and get it ratified, only then one gets divorce.

ANNEXURE--XV

(Ref. Chapter III, Para 3 21)

SUMMARY OF THE REPLIES RECEIVED FROM THE CHIEF MINISTERS/LT. GOVERNORS REGARDING THE DIRECTIVES FOR IMPROVING THE LOT OF MINO- RITIES

Name of the State/ UT	Reply in Brief
Jammu & Kashmir	The points on which a national consensus is to be evolved, as indicated by you, are acceptable to us. I would, however, suggest special considerations from the economic and social backwardness arising out of past neglect social and political exploitation or geographical situation. This has already been accepted by almost all the States.
Rajasthan	I agree with you that the consensus and implementation of directives to secure better National Integration are linked with each other. Undoubtedly, secularism has been one of the basic principles which has inspired our Constitution makers and consensus, as drafted by the Commission, is based on the foundation of secularism. Rajasthan is one State where exploitation on considerations of religion or caste or region for political or other purposes has been minimum. Unfortunately because of the attitude of certain parties, the situation is changing. It is necessary that these tendencies may not be allowed to prosper. We are implementing the directives of the Prime Minister, faithfully.

Reply in Brief

I am glad to say that in Nagaland, incidents of communal and religious disharmony are rare. The statements on the basis of the proposed consensus has, however, been examined and is acceptable to my Government.

esh The directives and suggestions made by the Hon'ble Prime Minister and Home Minister to ameliorate the lot of minorities are being implemented in Himachal Pradesh. I fully share your views in assuming the acceptance of statement on the basis of the 'consensus.' It is a matter of great pride for all of us that Himachal Pradesh has a long history of communal amity and that there have been no communal incidents in our State. Members of various communities live in peace and security and have all contributed to the development of this State. Nonetheless, I share your anxiety over the increase in communalism in certain parts of the country in recent months and wholeheartedly agree that the country can prosper only if the minorities can live in peace and with a sense of security.

Your suggestions (1), (3) and (5) are really irreproachable and must be acceptable to all; the modalities are to be worked out to implement them. I am not sure of the practicability of your suggestions (2), (4) and (6) because of the current state of affair in the country. It is true that communal politics of the contemporary India must not cloud one's vision of the ideals of secularism; but what has developed over the years cannot be just washed away. The fact remains that India is one of the few countries where all the major religions have

Name of the
Stat-UT

Reply in Brief

existed together for centuries peacefully. But, I doubt whether the evils of communal politics can be effectively checked or eradicated by law alone as the fault lies with individuals and not with the institutions. To my mind, the real goal cannot be achieved unless we educate and reform society.

You have also suggested the enforcement of the duties laid down in the Constitution through effective laws. Even if it is possible to make laws, I doubt whether the spirit of true citizenship can be cultivated by compulsion through law.

The suggestion (6) is that attempts to secure acceptance of any demand by using 'non-Constitutional' methods should be contained. I do not understand what exactly "non-Constitutional" means. In a highly politicised society like ours, we cannot lay down restrictions on such agitational methods. The pre-Independence struggles had built up the concept of disobedience of laws for a noble cause. To our dismay, a few mistook this ideology and tried to secure acceptance of their own selfish and partisan ends through terrorism and violence. We must resolutely discourage and condemn all such fissiparous tendencies whosoever be its proponents.

What makes me hopeful is the fact that our democracy is destined to succeed and, in course of time, the voice of all disruptive forces will fade away by their own disabilities. I am happy to say that the State Government have achieved rapid progress in the implementation of the various schemes enunciated to improve the lot of the minorities and other weaker sections of the society in Kerala.

Reply in Brief

Diu I fully agree with the suggestions and principles formulated for providing the basis for a consensus between different political parties. Coming to the suggestions made by the Prime Minister for the welfare the minorities, I am glad to inform you that as far as this Union Territory is concerned there is perfect communal harmony and there is no communal tension of any type.

I fully agree with your views and to inform you that this is a small Centrally Administered Union Territory, without legislature, consisting of 10 inhabited islands lying scattered in the Arabian sea. The local inhabitants are all Muslims classified as Scheduled Tribe or Though they are considered as minority when compared to other parts of the country, there are no religious or communal conflicts or rivalries among them. Regarding the implementation of the directive of the Prime Minister in this matter, I am to state that the people of this Territory are law-abiding and so far there was no instance of any kind of communal, political or other differences among the local population in which they resorted to violent or terroristic methods among themselves.

Your suggestion of a six-point principle as the basis for a possible consensus acceptable to all the political parties are based on secular foundation giving stress on the participation by all citizens in full application of the rights and duties as guaranteed by the Constitution with the objective of fulfilling the Constitutional guarantees and cause no discrimination amongst different sections

Name of the State/UT	Reply in Brief
Uttar Pradesh	<p>of the citizens. This will ensure fulfilment of the cause of the scheduled communities and better National Integration for the suggestions of your.</p> <p>The State Government is actively engaged in the task of implementing the 15-point Programme for the welfare of the minorities. As for the postulates suggested, from the point of view of the State Government, they are unexceptionable.</p>

ANNEXURE—XVI

(Ref. Chapter III, Para 3.25)

**TOUR REPORT OF SHRI S. K. JHA, JOINT SECRETARY,
MINORITIES' COMMISSION, TO ALLAHABAD FROM
27th TO 29th AUGUST, 1984.**

1. A meeting was organised in Circuit House at Allahabad on 28-8-1984. The following persons were present :

1. Shri Justice M. H. Beg,
Chairman, Minorities' Commission,
Government of India, New Delhi.
2. Shri S. K. Jha,
Joint Secretary,
Minorities' Commission,
Government of India, New Delhi.
3. Shri R. K. Dubey,
Secretary,
Allahabad Development Authority.
4. Shri R. C. Sharma,
Deputy Administrator,
Nagar Mahapalika, Allahabad.
5. Shri S. Ahluwalia,
Chief Development Officer,
Allahabad.
6. Shri Ganga Ram,
Additional District Magistrate (PG) &
Incharge District Magistrate.
7. Shri P. Shukla,
Sub-Divisional Magistrate (Chauk) &
Officer-in-Charge of Muirabad Trust.

Mrs. Rashid Khan of Allahabad also attended the meeting.

2. In the meeting, the Chairman gave the outline of the Project regarding study of the problems of the minorities at Allahabad and requested the officers to render due cooperation and help in this Project.

S. M. Ahirvada, Chief Development Officer, entertained doubts about development of secular outlook so long as present practice continued. He said that the present system of development is more caste-oriented and hence they did not have any data regarding the minorities. He also stated that, if our intention was to help the minorities, all the Hindu symbols like prayers, 'poojas' etc from Government inaugurated functions, should be done away with. In Uttar Pradesh, all the Police Stations, have deities of Hindu Gods, particularly of Hanuman, and it creates problems for the officers of minority communities. Besides, the intake of minorities in the Police Force, in general, and P.A.C. in particular, is negligible in comparison to their population ratio. He further stated that if the concession in any form is given to one group of people, either caste-wise or religion-wise, it would heighten the gap in opportunities to other groups of persons who are not so categorised. Hence, it required a deep study of the question whether any concession or privilege should be caste/religion-oriented, or, it should be on economic considerations.

4. Shri Shukla, S. D. M., raised the problem that some of the questions would require a subjective answer and it would be rather difficult on the part of the Officers to give frank or full answers. The Chairman stated that they can send confidential notes. Later, it was pointed out by the Officers that to facilitate conducting the survey relating to the Project Study at Allahabad, a proper questionnaire on all the points should be formulated and widely circulated. The Chairman desired that a questionnaire should be prepared by our Office and circulated. On maintaining communal harmony, Chairman suggested to officials that whenever needed, Section 153 of IPC should be effectively used for curbing communal feelings.

5. The Chairman suggested that I should meet the representatives of Muslim, Christian and Sikh communities to ascertain their points of view on the Study Project and seek their cooperation. I was also asked to look into the Muirbhao Affairs and the complaints regarding graveyards at Allahabad. by the U.P. Council of Churches, besides the problems of house grabbings, trust properties, etc. I accordingly, requested the SDM, Shri P. Shukla, and the ADM, Shri Ganga, Ram to help in my meeting few selected representatives from the various minority communities.

6. In the evening of 26th, three persons of the Sikh community, i.e. S/Shri Sikander Singh, Perfection House, Civil lines, Ranvir Singh Bhatta, Indus Cooperatives, Civil lines, and Shri Prithvi

Pal Singh, Indus Traders, Civil Lines, Allahabad met me in the Circuit House and I explained to them the purpose of the study and they said that they will render all the cooperation and they requested that our literature on the subject matter of Study should be forwarded to them. They requested that about 10 copies should be sent to them which they would circulate among the prominent members of the Sikh community to elicit their opinion. They further said that so far as Sikhs at Allahabad are concerned the District Magistrate/Superintendent of Police have been quite helpful. Sardar Sikhander Singh, however, added that, when any incident occurs in Punjab, the newspapers generally ascribe it to Sikhs in general instead of confining it to the miscreants and this somehow generates feelings against all the Sikhs which, he stated, was unfair and that the 'Minorities' Commission could do something about it.

7 On 29th, Brig. Rizvi of the Uttar Pradesh Minorities' Commission came and called on me, followed later by Mrs. Rashida Khan and a few others. I was surprised to learn from Mrs. Khan that a large number of Muslims representatives had come to see me in connection with the notice given to them by the District Administration, Allahabad. I told her that I had not called any meeting but only wanted a few representatives to see me. It seems that the SDM, Shri Shukla, in his enthusiasm, got the notice issued and as a result, large number of persons turned up in the Circuit House for the meeting.

8 I was told by Mrs. Khan that most of the people who turned up were supporters of the Government and some of them were not very reliable persons. They had no interest of the community in mind but were mostly self-seekers. I explained to them that my intention was not to call a meeting but only to meet some people to discuss and explain the purpose and method of our study and seek their cooperation. Apparently, most of the people did not appear to be interested in the Study but came to voice their alleged grievances. Some of them made some useful suggestions like, Science students with Biology are not allowed to take up Urdu in the school and, as a result, they find it difficult to get admission in Unani Medical College (BUMS) Course. They were particularly agitated about the use of non-secular textbooks in the schools. Some complaints also related to encroachment, etc. on graveyard lands. I must admit that in spite of the noise and allegations levelled by these persons, they were quite decent and respectful to me. Mr. Siddique and Mrs. Khan suggested that our object was laudable but felt that it would be better to entrust the

study to Dr. M. Zaheer (Retd. IAS) of 38-B Muir Road, Allahabad-211001 (Tel. 2860). They stated that persons belonging to minority communities will be forthcoming in large numbers with their point of view if the study could be entrusted to Dr. Zaheer. Dr. Zaheer, who was earlier Director of Institute of Management Service, J&K, now runs Administrative Research & Consultancy Service at Allahabad. He also volunteered to undertake the Project on actual cost basis.

9. I happened to call on Rev. Deen Dayal, Bishop of Lucknow based at Allahabad along with Tehsildar. During our meeting, Mr. Chand, Principal, Ewing Christian College was also present. I explained the purpose of visit and our Project Study. Firstly, he was doubtful about our motive and expressed the view that we may be trying to find out the loopholes among minorities and, later on, curb them. However, after detailed talks with him, he was convinced about our approach. He further expressed the view that since we are only a recommendatory body, there would be little use of our Study as the Government may not agree to our point of view. Rev. Deen Dayal summed up that the minorities want only two things, viz. there should be no interference in their religious, educational and other personal problems and they should have equal protection under the law. He expressed some dissatisfaction about the failure to get timely Police assistance if some thing happened. He said some efforts were being made by members of other communities to unveil the statue of Netaji Subhash Chandra Bose and other National Leaders in their institutions' campuses while this was not the case with other institutions. Finally, agreeing to render necessary cooperation, the Bishop suggested that it would be more forthright, systematic and the minorities would have more faith if the Project Study be conducted by some individual or organisation belonging to a minority community. He suggested the following names :

1. Mr. A. V. Sebastian,
Lecturer,
Department of Sociology,
Christ Church College, KANPUR.
2. Mr. J. Abraham,
Lecturer,
St. Andrew's College, GORAKHPUR.
3. Dr. Jonnathan Masih,
William Holland University College,
ALLAHABAD University.

10. If the study has to smoothly progress at Allahabad, we would require basing our Dy. C. L. M. at Allahabad for minimum of two months along with the support staff of two Research Officers and two stenographers. I also happened to talk to ACLM, Allahabad, and he stated that they would be busy with the Annual Report, which is a time-bound work and, hence, he could not be in a position to render much assistance.

Meeting with Representatives of Muirabad Christian Village Trust

11. As desired by the Chairman, I visited Muirabad on 28-8-1984 along with Shri P. Shukla, IAS, ADM (Chail), who is the Officer-in-Charge of the Muirabad Trust. The SDM briefed me about the history of the Trust stating that some Anglo-Indian families who were employed in the Government Press, Agra were disturbed during the Mutiny of 1857. These people were sent to Allahabad by Lt Governor of the North-West Province, Mr. Muir and they were settled at Muirabad which was named after him. This Muirabad Trust had 42 acres of land and the rest 52 acres were the Zamindari land given to the Muirabad Trust for their benefit. On the abolition of Zamindari system, these lands were settled with the actual tenants. The Zamindari land belonging to all the religious institutions were settled permanently with the tenants without any discrimination. It may be that some of the junior Revenue Officers might have played foul in recording the names of actual tenants. I was also told that there are different groups among the Anglo-Indians settled there and they have been litigating over one issue or the other.

12. It may also be mentioned that there are 16 families among the beneficiaries of the Trust, who were settled with homestead land without any pre-condition by the then British Government. This is like a free-hold which they can dispose of at their will. This cannot be done by the other beneficiaries of the Trust. The SDM told me that there are only two encroachments on the Trust land in which, in one case, a house has been constructed by a Muslim gentleman just adjacent to the graveyard and, in another place, a 'pan' shop has come up. The SDM told me that he would be removing these two encroachments on the Trust land as soon as possible after following due process of law.

13. Another dispute regarding Muirabad property is that some of the tenants, with whom Zamindari land was settled, have sold the plots at high cost and houses have been constructed on these plots haphazardly which, in turn, is disturbing the environment.

The SDM told me that these Zamindari lands settled with the tenants were actually agricultural lands (green field) and it can be used only for agricultural purposes and not for construction of houses. However, the matter is beyond the purview of the Trust. It pertains to the Allahabad Development Authority as it falls under the City limits. The SDM informed that the Allahabad Development Authority is contemplating some action to demolish the unauthorised houses on green field or sort out the problems in a suitable manner. I was also told that some of the residents like Col. Naru, Shri Lapatia, etc., had gone to the High Court but they have lost the case. The SDM also promised to give a report to me but ultimately he did not give it due to some reasons best known to him.

14. In the morning, the SDM and Naib Tehsildar, Shri Shastri, who is the Manager of the Muirabad Trust, brought certain people of Muirabad including a College Professor to me and then all complained against Shri Lapatia, Col. Naru and their supporters. It appeared to me that the former group is not in good terms with the Local administration. Later, Col. Naru, Shri Lapatia and few others also saw me. While Shri Lapatia was quite pungent in his remarks against all like District Administration, Trust Administration, Bishop of Allahabad and the Minorities' Commission for not helping him in the matter in spite of innumerable personal requests. Col. Naru was quite reasonable and cogent and he summed up the various stages of development in the matter and wanted that the Minorities' Commission should recommend to the Government so that the Muirabad Trust property of 42 acres is surveyed and properly demarcated and that it was high time that the Trust should be taken out of the hands of District Administration and handed over to some other responsible persons/organisations so that the junior Revenue Officials do not create any difficulty for them. He wanted that this fact should be put up before the Chairman. It was told by the SDM and Tehsildar that there is some political angle also to the dispute as Shri Lapatia and Col. Naru's faction is very close to Shri H.N. Bahuguna, while the other faction consists of supporters of Congress(I). It had neither any means to verify this nor it was necessary.

Meeting With Representatives of U.P. Council of Churches

15. I also looked into the complaint from the U.P. Council of Churches. I happened to meet the Officer to whom the District Magistrate had assigned to enquire into the matter and he told me that with permission of the Supervisor of the Graveyard, Jal

Nigam people had broken a portion of the wall, which they are now rebuilding. He stated that there was no encroachment by Jal Nigam and their works and houses are on Nagar Palika land. In this connection the Supervisor of the Graveyard along with Mr. Mohit Kumar S. Zaman, Accounts Office Diocese of Lucknow, also saw me. Shri Mohit Kumar was, still some time ago, the General Secretary of U.P. Council of Churches. He told me that, in fact the Jal Nigam people had broken the boundary wall and were plying trucks through the Graveyard carrying materials for the Jal Nigam construction and that on his objection, they were now rebuilding the broken portion of the boundary wall. He also mentioned that some bad elements were using Graveyard land to perform their call of nature. I talked to the Naib Tehsildar of the area and he told me that the boundary wall of the Graveyard is quite low and, besides, it is full with the overgrowth. Besides, as the civil amenities are not sufficient for the growing population at Allahabad, perhaps, its misuse cannot be ruled out but no particular community can be singled out. The best course would be to raise the boundary wall.

**NOTES OF CHAIRMAN, MINORITIES' COMMISSION
ON CONFERENCE HELD WITH DR. M. ZAHEER
AND DR. JONATHAN T. MASIR. ON 22nd & 23rd
NOVEMBER, 1984**

22nd November, 1984

1. The proposals submitted by Dr. Zaheer were discussed. He agrees to accept the conditions imposed by the Minorities' Commission of India and to accept directions from the Chairman from time to time, on the nature of work to be done. He also handed over to the Chairman, for perusal, the following publications :--

1. Community and Communications written by Dr. M. Zaheer, published by the National Institute of Development, Rajendra Nagar, Delhi.
2. Training in Administration--A Survey of 17 States Institutes in India, written for the Institute of Management and Public Administration, J & K, by Dr. Zaheer.
3. A contribution by Dr. Zaheer on Rural Development Training in Asia published by Asian Centre for Development and Administration, Kuala Lumpur, Malaysia.
4. Report of the Sikri Commission on J & K Commission of Inquiry, 1979 of which Dr. Zaheer was Member-Secretary.
5. The Organisation of the Government of Uttar Pradesh by Dr. Zaheer, published by S. Chand & Co., Ramnagar, Delhi.
6. Land Reforms And Some Asian Experiences, published by the Asian & Pacific Development Administration Centre, Kuala Lumpur, Malaysia, with Dr. Zaheer's contribution.
7. A Monograph on the Temple of Bhitargaon by Dr. Zaheer published by Agam Prakashan, Delhi, 1981.

2. As for Dr. Jonathan Masih, who seems to be an expert on Christian Educational Institutions and their contributions, it was explained to him what kind of work was required. He gave a list of the Christian Educational Institutions. His thesis is that Christians have contributed a lot to the education and to the development of secular traditions and outlook in India. This, he submits, is a very potent factor for achieving National Integration.

3. Dr. Masih's point of view has to be kept in mind. He was also informed of the Commission's requirements which will be given to him by the Chairman himself during his visits to Allahabad. His project could proceed on the lines discussed with Dr. Zaheer and suggestions sent by him. Their actual working out could be supervised by the Chairman personally so that Commission's needs may be met. Dr. Masih promised to send further details.

23rd November, 1984

4. Chairman met Dr. M. Zaheer and handed back his publications to him which had been perused by the Chairman.

5. Chairman was satisfied that Dr. Zaheer can satisfy the Commission's requirements.

6. It was explained to Dr. Zaheer that the outlines of the Scheme and its purposes have been framed by the Chairman who will give him directions or requirements of the Commission as the Project proceeds. Dr. Zaheer read the outlines and purposes of the Project. He also promised to write to the Chairman regularly on the progress of the work to be done.

ANNEXURE-AVIII

(Ref. Ch. III, para 3.31)

DEVELOPMENT PLAN FOR WEAVERS' COMMUNITY

—A PROPOSAL—

FOR
MINORITIES' COMMISSION
MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA

DECEMBER, 1984

MOEEN ORGANISATION FOR ECONOMIC & ENVIRON-
MENTAL NATURE, NEW DELHI

A. Introduction

One of the important objectives of the New 20-Point Programme is to "liberalise investment procedure, and streamline industrial policies to ensure timely completion of projects, and provide handicrafts, handlooms, small and village industries and all facilities to grow as well as update their technology." Besides, the Integrated Rural Development Programme (IRDP) aims at assisting its beneficiaries in utilisation of productive assets acquired with the subsidy and loans for various rural activities, including village and cottage industries through integrated support by way of credit, technical assistance including training, supply of inputs and marketing facilities. Added to these, there were several other efforts made by the Central Government like setting up of a National Handloom Development Corporation and of cooperative spinning mills and ancillarisation and 'nucleus' plants programme during the Sixth Five Year Plan period. In fact, the Government is keen on launching various programmes for the betterment of backward communities including weavers. In this context, MOEEN Organisation for Economic & Environmental Nature (MOEEN) has been invited by the Minorities' Commission, Home Ministry, to examine as to how far the weavers are benefited by these programmes and to give the strategies for their upliftment. MOEEN has a team of multi-disciplinary personnel with vast experience in similar fields, sponsored by different Ministries and is capable of effectively undertaking this assignment for all the five States, viz. Andhra Pradesh, Bihar, Gujarat, Maharashtra and Uttar Pradesh.

B. Terms of Reference

The terms of reference have been furnished hereunder to serve as the basic framework, within which the "Development Plan" for the weavers' community can be prepared :

1. To examine the present socio-economic conditions of weavers' community;
2. To understand the problems of weavers' community in the context of their occupation;
3. To study various incentives given by the Government to the community; and
4. To suggest remedial measures to overcome their problems and subsequently their socio-economic development.

C. Methodology

The above stated objectives would be attained with the help of a methodological triangulation, viz. (i) Household questionnaire, (ii) Guidelines for case studies and (iii) Check list for discussions with officials. The Household questionnaire would cover aspects like socio-economic profile of weavers' families, various problems encountered by them in the context of their occupation and incentives given to them by the Government. With the help of the household questionnaire, an attempt would be made to answer the following queries :—

- (a) Who are they ? (in terms of sex, age, education, income, family's socio-economic background, etc.)
- (b) What are the causes of their plight ? (poverty, unemployment, under-employment, etc.)
- (c) What is the environment in which they are living ? (such as economic exploitation, discrimination, neglect, drunkenness, etc.)
- (d) What are they doing ? (economic activities, working hours, wage pattern, working environment, earnings, etc.)
- (e) What are their problems in terms of their occupation ? (such as marketing, non availability of space to instal handloom/powerloom, lack of finance, lack of training for coping with the latest designs of hand-crafts in the market, inadequacy of raw material supply, middle-man exploitation, lack of electricity in the case of powerloom entrepreneurs etc.)
- (f) What appropriate strategies are necessary and desirable to resolve and overcome their problems ?

Whereas through case study method, few cases of success and failure stories, in terms incentives received from the Government, would be covered; officials' opinion on their problems would be gathered through a check list.

1. *Scope of the Study*—The universe of the Study would be the household in the selected five States, viz. Andhra Pradesh, Uttar Pradesh, Bihar, Gujarat and Maharashtra. The required data would be collected both from the primary and secondary sources. Data from the primary source would be generated with the help of a sample survey.

2. *Sample Frame*—A three-stage sample would be used for the selection of household in each State. At the first stage, the sampling unit would be a pocket of villages which would be selected on the basis of the degree of concentration of handlooms and small powerlooms. Two pockets would be selected in each State out of which, the first one where the concentration of handlooms is the highest and another where the concentration of powerlooms is maximum. At the second stage, two villages or a cluster of villages would be selected such that one consists of co-operative handlooms/small powerlooms and another where self-employed employed weavers are covered under government programmes like Integrated Rural Development Programme (IRDP), National Rural Employment Programme (NREP), Training of Rural Youth for self-employment (TRYSEM), etc. The selected households in two villages would be proportional to the population of these villages. At the third stage, a modest number of 40 households would be selected from each State.

3. *Unit of Observation and Sample Size*—The unit of observation would be household. Respondents would be the heads in the case of households. Approximately, 200 households would be selected in the five States. Hence, multiphased stratified random sampling technique would be adopted.

4. *Data Collection*—Through the sample survey among the beneficiaries, the data to be collected have already been stated in section C earlier. From the secondary source, information would be collected on the number of handlooms and powerlooms in selected pockets of villages. The secondary sources would be mainly the Handloom Boards at the State/District level and Unions of existing powerlooms.

5. *Data Processing*—Both primary and secondary data would be processed through a computer, wherever necessary. The tabulation plan will be drawn in accordance with the requirements of the methodology to be adopted.

D. Time Budgeting

As per the Terms of Reference, the estimated time for this assignment would be *Four* months and a draft Report would be submitted at the end of this period. Meanwhile, a pilot Survey would be carried out and a pilot Survey Report would be submitted after 1½ months from the commencement of the Study for mutual exchange of ideas from the client and the consultants of MOEEN.

After the completion of primary survey, an Interim Report would be submitted i.e. after 2½ months from the commencement of the assignment, based upon the field observations collected from both the secondary and primary surveys. This would enable the consultants to benefit from the reactions and feed back from the client.

The Study would commence within a fortnight from the date of assigning it. The time schedule for the preparation of Development Plan for all the five States would be as under :

	(Weeks)
1. Literature Survey	2
2. Preparatory Work (including selection and appointment of staff and their training)	2
3. Pilot Survey	1
4. Pilot Survey Report	1
5. Secondary and Primary Data Collection.	4
6. Interim Report	1
7. Data Processing	2
8. Data Analysis	2
9. Report Writing	3

E. Organisational Framework

The Study would be conducted by a multi-disciplinary team of consultants, who have attained proficiency in carrying out similar studies. The team would be headed by a *Project Director*, who would coordinate the Study and would be responsible for the successful completion of the entire assignment and submission of the Report. He would be assisted by *Two Research Officers*, each of whom would be responsible for the collection of secondary data from all Government, Non-Government and voluntary agencies; supervision of the field work at the State level, processing the data, etc. *10 Research Assistants* would extend all possible assistance to the Project Director as well as Research Officers in terms of collecting secondary and primary data, processing and compiling it through different stages, etc.

Estimated Financial Charge

Our being a non-profit making organisation, our charges are very nominal and we charge Rs. 25,000 (Rupees twenty five thousand only) for the entire Study, towards the salaries of the staff.

As the Study involves extensive touring through five States, viz, Andhra Pradesh, Bihar, U.P., Gujarat and Maharashtra, we would charge the client the actual travel fare as well as the boarding and lodge expenses, which are reimbursable.

(Ref. Ch. III, para 3.36)

NOTE FROM SHRI QAZI MUKHTAR AHMED, SECRETARY MINORITIES' COMMISSION ON THE CENTRAL WAKF (AMENDMENT) ACT, 1984

1. I have gone through the Note prepared by the Research Officer regarding the amended Central Wakf Act, 1984. The amended Act changes the basic structure of the administration and management of Wakf Properties all over the country. So far, the Wakf Boards, wherever they existed, were all in all and functioned in a most unsatisfactory and erratic manner. The finances of the Boards have been in shambles and their income went on declining rapidly owing to the callousness, indifferences on the part of the Board and illegal transactions entered into by the Chairman and individual members of the board. Instead of expanding the properties of the Board, the condition deteriorated to such an extent that the Boards failed to meet their own essential expenditure like payment of salary to their staff, etc. In order to salvage its pitiable condition, the U.P. Government had to give financial assistance for its continued functioning. The Board has also been superseded and rightly so.

2. Now, according to the amended Act, all the executive functions and powers have been taken away from the Boards and have been vested in the Wakf Commissioner to be appointed by the State Government. The administration and management of Wakf properties in all respects shall be in the hands of the Wakf Commissioner and he will not be subordinate to the Wakf Boards. Just to enable him to attend the meetings of the Boards, he has been nominated as the Member-Secretary of the Board who will convene meetings of the Board. In other words, the Boards have now been reduced to the position of advisory bodies with no executive powers and functions.

3. As suggested by the Minorities' Commission, now there will be uniform legislation on all Muslim Wakfs for the whole country. After the enforcement of this Act, the State Governments shall amend the Wakf Acts, wherever they exist, in accor

dance with the provisions contained in the amended Act 1984. The Wakf Tribunals shall continue to function as they have been functioning so far with necessary variation in their powers and functions.

4. The amended Wakf Act had mixed reaction among the Muslim leaders and organisations. Generally, it has been alleged that the Government has tried to nationalise the Wakf properties through back door by taking away all the powers of the autonomous Boards and keeping them under the control of the Wakf Commissioner to be appointed by the State Government. The critics like Shri Banatwala, M.P., Shri Sulaiman Sait, M.P. and Shri Shahabuddin have criticised the amended Act mainly on the ground that the autonomy of the Board has been reduced to a nullify which is undemocratic and a retrograde step. The President of the Jamait-ulema-Hind, Maulana Asad Madani, M.P. is the only person who has welcomed the amended Act and has termed it as "progressive".

5. As I have personal experience of working as Wakf Commissioner, U.P., for over 2 years in addition to my normal duties I am inclined to agree with the view expressed by Maulana Asad Madani, M.P. The so-called autonomous Boards have been entirely responsible for mis-management, illegal sale and transfer of Wakf properties with vested interests. Considerable Wakf properties have gone into wrong hands owing to deliberate connivance of the Wakf Boards. Apart from this, the management of Wakf properties almost ceased to exist due to the infighting among the Members and President of the Boards. In U.P., I was officially informed that meetings were not held for months together, so much so that many Members resigned owing to the continued Chairmanship of a particular person for a number of years on the basis of a stay order from the High Court. To say the least, the management of Wakf properties was at its lowest ebb and instead of making any improvement, there has been constant decline in the income and expansion of the Wakf properties.

6. The losses to the Wakf properties in U.P. have been colossal and to give just one example, I may cite the case of Dargah Kaliyar Sharif near Roorkee in Saharanpur District which is under the direct management of the U.P. Board. The Tomb of Hazarat Sabir was constructed during the time of Shahjahan when he was the Emperor of India. At the same time, by a royal 'farman', land measuring over 500 acres were

attached to the Dargah not only for its maintenance but for starting charitable and educational institutions. Owing to the negligence and connivance of the Boards, all this land is now in adverse possession and the ex-Mutawallis are reaping the benefit out of it. Innumerable cases are pending in civil courts for years with no result. There are so many other such examples but I have cited only a glaring one.

7. In my opinion, the curbing of all the executive powers of the Boards has been a wise and beneficial step. The Wakf Commissioner, who will be a serving officer of the State Government, belonging either to the Judicial or IAS, will be appointed by the State Government and being a responsible officer, he will atleast be able to preserve the safety of the existing Wakf properties, if not more. In fact, with enormous executive powers now vested in him, he is bound to reclaim all such Wakf properties as are in wrongful hands and shall try to take up plans of building commercial complexes for increasing the income of the Wakf Board. Being well-versed with the procedures of the State Government, he will have greater liaison with the concerned high officials of the State Governments and local bodies and thus, shall be in a position to get many problems settled by discussion and negotiation. Unlike the Board, the Wakf Commissioner shall be accountable to the Government and shall answer the queries of the Board. It is, therefore, a step which should be welcomed as it will help in safeguarding and improving the Wakf properties as intended by the Central Government.

8. Another redeeming feature of the amended Act is that 'Wakf-alal-aulad' will now be treated at par with other Wakf properties. It means that the family control over such Wakfs shall cease to exist and its supervision and management shall be in the hands of the Wakf Commissioner. So far, it was, in actual practice, a property of a particular family and its benefits went to the members of that particular family only and not for any charitable purpose. It is a very welcome step as now onward, the benefits accruing from Wakf-alal-aulad will be used for charitable purposes. Formerly, it was used for the aggrandisement of a particular family.

9. The Wakf Boards, with no executive powers, shall now be only advisory in capacity and its composition will be the same as it was before. But now, it is hoped that they will serve more useful purpose than what they have been doing so far. Their vested interest in the Wakf property will cease to exist and they

will concentrate on making useful suggestions for the improvement of such properties. Their services will now be of value which can enable the Wakf Commissioner to implement viable schemes, if found by him to be feasible.

(f) The amended Act should, therefore, be welcomed as it is bound to go a long way in the preservation, maintenance and expansion of the Wakf properties in the country.

ANNEXURE—XX

(Ref. Ch. III, para 3.37)

**NOTE FROM SHRI JUSTICE M.H. BEG, CHAIRMAN,
MINORITIES' COMMISSION ON THE CENTRAL WAKF
(AMENDMENT) ACT, 1984**

1. This Commission has to form an Opinion on the new Wakf Amendment Bill as passed by the lower House of Parliament. It had already expressed its opinion on some proposed changes on which it was consulted. It had given the opinion contained in Annexure XI of its Fourth Annual Report.

2. The Secretariat has produced elaborate Notes on the proposed Bill. There are certain comments which this Commission could offer on the proposed amendments in this Act. They are detailed below :

3. It is a ground of satisfaction that the superintendence of administration of Wakfs-alal-Aulad has now been vested in the Wakf Commissioner in addition to "superintendence" of administration of what are known as Public Wakfs. This means that any Mutawalli committing breaches of Wakf concerned (constituting roughly a trust with notable differences regarding legal "vesting", etc.) or acts of mismanagement or non-feasance or misfeasance could now be subjected to control even by removal by the Commissioner of Wakfs, where needed. This change seems to be healthy, in so far as "superintendence" or administration of public and private wakfs uniformly is concerned. But, at the same time, the question of even "superintendence" of administration, which is to be distinguished from actual management and administration of Wakfs may cause considerable difficulties in certain cases particularly of private Wakfs where the benefits have dwindled to such an extent that the carrying out of the objects of Wakf has become well high impossible. This Commission had recommended that a power to re-frame Wakf deeds should be vested for such cases in a Special Tribunal clothed with the jurisdiction to do this. Unfortunately, those who formulated Amendments did not appreciate the reasons given by the Commission for recommending such a power after setting up Special Tribunals. They have not understood reasoning based on actual

experience of how "private" Wakfs are administered, underlying this Commission's recommendations. It would be well if the reasons given by this Commission in its Fourth Annual Report were read again more attentively and carefully by those in charge of formulating Amendments to the Wakf Act so that the needs pointed out there may be understood and adequately met by fresh amendments.

4. Another question which needs further attention is that the Wakf Commissioner has to be appointed from amongst such persons who are qualified as laid down in new Section 21 of sub-section 21(3) which reads as follows :

"(3) The Wakf Commissioner shall be appointed from amongst such persons as *are holding posts* in the Senior Scale of Class I of the Judicial Service of the State or posts in the Senior Scale of any Administrative Service in the State provided that no persons shall be so appointed unless he has held the post of a Deputy Secretary to the Government of the State, or any other post of an equivalent rank, for a period of not less than five years. Provided further that if, in any, State, no person professing Islam who has held the post of Deputy Secretary to the Government of the State or any other post of an equivalent rank for a period of five years, or more, is available, it shall be lawful for the State Government to relax the conditions with regard to the said status or rank, as the case may be, and the period for which a person to become eligible for such appointment."

5. Thus, it is evident that, with the diminishing number of available officers qualified to be appointed as Wakf Commissioners, as their qualifications are now laid down, it would be very difficult to meet these requirements. It would have been more useful to provide for the appointment of Wakf Commissioners from amongst all the persons who have held positions which would have qualified them for appointment if they were still in service. Such a provision, apart from preventing any diminution of standards of competence, by descending in the status or rank of persons to be appointed, would have also enabled the utilisation of a good many talented persons amongst retired government servants whose knowledge and experience is otherwise going to be wasted. It should, therefore, be recommended that this qualification should be changed so that the Commissioner is a person who has held posts in the required scale. In other words,

the words "are holding" could be changed into "have held". This change should therefore, be recommended by the Commission.

6. Still another question to which my attention has been attracted is that Section 18 of the Amending Act containing Section 21C, does indicate a very general power of "due control for maintenance and administration of Wakfs". It reads as follows :

"21C (1) subject to the provisions of this Act and of the rules made thereunder, the functions of Wakf Commissioner shall include :

- (a) investigating the nature and extent of Wakfs and Wakf properties, and causing, whenever necessary, an inventory of Wakf properties and calling from time to time for accounts, returns and information from Mutawallis;
- (b) inspecting or causing the making of inspection of, Wakf properties, accounts, records, or deeds or documents relating thereto;
- (c) *doing, generally, all such acts as may be necessary for the due control, maintenance and administration of Wakfs.*

(2) In exercising his powers under this Act in respect of any Wakf, the Wakf Commissioner shall act in conformity with the directions given by the Wakf in the deed of Wakf, the purpose of the Wakf and such usages and customs of the Wakf as are sanctioned by Muslim Law.

(3) Save as otherwise expressly provided in this Act, the Wakf Commissioner shall exercise such powers and perform such duties as may be assigned to him or delegated to him by the Board under section 22".

7. The question may well arise whether this power goes beyond general superintendence which is vested in the Wakf Board "in relation to all matters except those which are expressly required to be dealt with by the Wakf Commissioner". The powers in Section 15 of the original Act are quasi-judicial powers to be exercised only to ensure proper maintenance, control, and administration of Wakfs and the application of income to the

objects and purposes for which such Wakfs are created. In other words, the powers of the Board were exactly similar to those of courts where a plaintiff could go complaining that a Wakf was being mis-managed or its income was being misapplied.

8. The language now used may create some confusion as to whether Wakf Commissioners are competent to interfere with day to day management and control of Wakfs by Mutawallis. If so, the amendment may well go beyond Constitutionally permissible limits of interference.

9. Article 26 of the Constitution confers freedom to manage religious affairs on every religious denomination or any section thereof. It contains the right : "(a) to establish and maintain institutions for religious and charitable purposes; (b) to manage its own affairs in matters of religion; (c) to own and acquire movable and immovable property; and (d) to administer such property in accordance with law, subject to public order, morality and health." The limitations on freedom of conscience and free profession, practice and propagation of religion, contained in Article 25 of the Constitution, are the same.

10. It may be well contended that the Amendments introduce confusion and uncertainty which may result in challenges to the amended provisions. Unnecessary litigation results from unsatisfactory drafting. The draftsman of the Amendments cannot, in my opinion, be congratulated.

11. Apart from rejecting the specific recommendations made by this Commission, for very clear reasons and difficulties indicated by it, the Amendments have vested rather sweeping powers in the Commissioner and not provided for an appellate forum. This Commission had recommended a Special Tribunal and an appellate forum.

12. The draftsmen of the Amendments would have done well to have drafted a new and clear Bill. It should therefore, be recommended that :

(1) Instead of amending the Act, a new Wakf Act should be drafted which should be free from ambiguity, and powers of the Wakf Commissioner should be clearly specified.

(2) A Special Wakf Tribunal or Court should not only be created but an appellate jurisdiction, as indicated by this Commission, may be needed.

(3) An additional provision should be made for re-framing of the Wakfs which have become difficult to operate as already recommended by this Commission.

(4) Due provision should be made for ensuring the application of Wakf funds to beneficial charitable purposes in cases where this power is to be exercised directly by the Wakf Commissioner.

(5) The qualifications of the Wakf Commissioner should be so amended as to include a retired officer, with adequate knowledge and competence (this is not easy to find), so that accumulated experience and knowledge, which the post, particularly after the enhanced powers and responsibilities of the Commissioner, requires are not wasted.

13. Other difficulties could be the subject matter of discussion of Amendments. This is only a set of broad suggestions.

ANNEXURE—XXI

(Ref. Ch. IV, para 4.2)

JUDICIAL ROLE AND NATIONAL INTEGRATION, PAPER-I, READ BY SHRI JUSTICE M.H. BEG, CHAIRMAN, MINORITIES' COMMISSION, IN THE SEMINAR ON SECULAR POLITY AND NATIONAL INTEGRATION AT HYDERABAD.

Importance of Judicial Functions

1. "The importance of the judiciary in political construction" wrote Henry Sidgwick in his "Elements of Politics", is "rather profound than prominent. On the one hand, in popular discussions of forms and changes of Government, the judicial organ often drops out of sight; on the other hand, in determining a nation's rank in political civilisation, no test is more decisive than the degree in which justice, as defined by the law, is actually realised in its judicial administration, both as between one private citizen and another, and as between private citizens and members of the Government". Commenting on this observation, Harold J. Laski, in his "Grammar of Politics" observed: "Obviously, therefore, the men who are to make justice in the courts, the way in which they are to perform their functions, the methods by which they are to be chosen, the terms upon which they shall hold power, these, and their related problems, lie at the heart of political philosophy. When we know now a nation-State dispenses justice, we know with some exactness the moral character to which it can pretend".

2. If law is that part of culture or communicable knowledge which holds society together, those who make it as legislators or administer it, either as executive or judicial functionaries, must understand how it does that. And, it is part of the judicial function to indicate and impress upon all of us how this happens. Here lies its importance for national integration which depends so largely on administration of justice according to law.

Justice according to Law

3 Although some people would prefer to say that Law should be administered according to justice, or rather, according to the more fashionable term "Social Justice", without analysing the contents of either of these, yet, I have adhered to the time-honoured formula that justice should be administered according to law. My reason for doing so is that, whereas none can deny that concepts of justice change, and, with it, the meaning and administration of even the same laws, yet, judges cannot overstep the limits of their power to interpret statutory law. Of course, they may be able to indulge in some "judicial legislation", in consonance with justice, as they see it, when law is capable of being interpreted in more than one manner. There is also no doubt that, under the guise of finding the law, in countries following the "Common Law" tradition, judges have also made law, including "Constitutional Law". This has been so in England where, as Dicey told us in his "Law of the Constitution", the fundamental rights of citizens were firmly established by declarations of courts of justice. Today, however, concepts of justice are sought to be incorporated so elaborately in written constitutions, such as ours, and, in statutes passed by legislatures, that the task of administering justice affords less scope for such "judicial legislation". It took place in England with the tacit approval of Parliament which has had immense respect for judges, except when it took the bit between its teeth and sought to punish judges, suspected of being royalists in *Jay vs Topham*, in an age when the struggle for political power, reflected in doctrines expounded in and by courts, between king and Parliament, was in full swing. That kind of situation cannot arise in England now.

Integrating Function

4. Prof. Julius Stone tells us in his "Province and Function of Law" that law has displaced religion as "control of controls" today. In particular, our constitutional law is meant to integrate the nation, through "Justice: economic, social and political". Judges when expounding this law and adjudicating on rights flowing from it are, therefore, expected to choose, out of two possible views, that which integrates the nation and upholds what has been described by Dicey as "Supremacy of the Constitution". This prevails in our country as in USA, as contrasted with "Parliamentary Sovereignty", which is a basic feature of the British Constitution.

Constitution and statutory laws are undoubtedly so advanced that, if they could be corrected, interpreted and strictly enforced, there could be a lot better national integration than we see today with eruptions of wide scale lawlessness, with expressions of constitutionally abhorrent thoughts and sentiments, and with worse than bestial actions which disrupt and destroy lives of innocent people in our country in senseless bids to attract attention to actual or fancied grievances.

6. Under these conditions, it is not surprising that decisions of courts, from the highest to the lowest, are being treated with increasing disrespect. When the spectres of anarchy and disorder stalk the land, unless the decisions of courts strictly uphold the law, as found in the Constitution and the statutory laws of the land, and laws are enforced unflinchingly by a strong executive authority backed by force, wherever needed our country will face very grave and ugly anarchic prospects. Law and its strict enforcement, therefore, occupy a pivotal position for national integration.

7. Force, to back the correct decisions of law courts, can be both moral and physical. Moral backing is given by citizens voluntarily where the decision appears to them to be so just and impartial as to convince them that nothing better is possible, on the law as it exists, and, of course, physical force stands for what the police and the army can legally and reasonably do to meet either threats or use of violence. Ultimately, even the use of physical force can be effective only if its use is seen to be just and honest to enforce commonly accepted values, enshrined in the Constitution, as explained by the Courts. Hence, I attach to what I may call the moral impeccability of decisions given by courts utmost importance in achieving the constitutional objective of national integration.

8. It cannot be denied that nothing is more integrating than a pervasive sense of justice. It implies rendering to each what is his or her due and treatment of each in accordance with a Constitution which enjoins upon the State equality of all persons before law and equal protection of laws. When the citizens see that they are getting this, they will vigorously fight and defend what the law unmistakably declares to be their birthright. This, at any rate, is the theory underlying our Constitution and what may be called a secular system of administration of justice which makes no distinction in rights between citizen and citizen on grounds of religion, race, caste, colour, region,

r party. Hence in *Virendra Singh's* case (1954), Vivian Bose J., rather romantically declared: "At one moment of time, a new order was born with its allegiance springing from the same source for all grounded on the same basis: the sovereign will of the people of India, with no class, no caste, no race, no creed, no distinction, no reservation".

Changing Tests

9. It is true that the Constitution could not, as Justice Bose's language suggests, suddenly dissolve all distinctions of class or creed, or regional prejudices. But, it did set up a powerful machinery of government to serve as a cementing force and provided, in the form of Fundamental Rights and Directive Principles of State Policy, excellent measuring rods for the courts to apply for judging what is and what is not "Justice social, economic, and political". It is this kind of justice which has the effect of integrating the citizens. It follows that, where clear perception of the need and respect for effective administration of the laws in the Constitution and elsewhere, intended to secure justice, is wanting, dis-integrating trends of thought, feeling, and action develop. Lord Denning had this kind of perception of just treatment in mind when, in his "Road to Justice", he quoted a passage from Sydney Smith to illustrate how happy and contented people feel when treated justly by judges who could in this way, remove the incentive for rebellion by doing justice in accordance with the law.

10. Of course, not all judgments even of the highest courts of justice, are always correct or integrating in their effects. Not all judgements of courts bring out the correct philosophy underlying the Constitution and laws. Judges, like other human beings, are liable to err. They can reach differing conclusions even on interpretation of the same words. Thus, when Chief Justice Tanney, in the famous *Dred Scott* case, held that the Constitution of USA, based on the assumption that all human beings "are born equal", did not entitle Negroes to rights of citizenship, on the ground that they were sub-human, his philosophically and ideologically wrong judgment contributed powerfully to produce that rift or cleavage in thought and sentiment which led to a Civil war between Northern and Southern States in U.S.A. We also know that later judges, interpreting the same Constitution, held the negro entitled to equality given by law to him but accepted segregation or compartmentalised living as reasonable classification. In other

words, in a different age, the claim or equality for the blacks theoretically was conceded by the Courts in U.S.A., but not for integration with the whites. The result was that Blacks got separation, as they have in South Africa even today, but not equality. A change in the philosophical and ideological climate bred by scientifically more advanced egalitarian education and laws ushered in what is known as the "De-segregationist" era. And, we find that the validity of law which gives even preferential treatment to the Blacks, in order to make up for the past wrongs and injustices suffered, was upheld in Bakke's case recently. Thus, even though the Constitution of U.S.A. did not change, the concepts of judges as to what equality of man, expressed by that Constitution, means, have changed considerably in the course of time with attitudes and approaches bred by changing philosophical, political, and social ideas of each age.

How Integrating ?

11. In a book I read some time ago, entitled "How Courts Govern America", Chief Justice Neely of a State Court in U.S.A. expressed the view that judges make the badly drafted laws of U.S.A. work by making their real intentions clear. The Chief Justice accused American legislators of deliberately enacting laws in vague terms for fear of offending vested interest. But, in his Opinion, the Courts brought out the real intentions of the legislatures by making it very clear so that even ambiguous statutes become workable and effective. Courts are, therefore keepers of the conscience of citizens and not seekers of popularity. They must be so upright as to place the dictates of their conscience above respect for any opinion whether of the public or of any person or body of persons in power.

12. It is a moot question whether judges in our country have always followed the path of integration, as opposed to that of disintegration, resulting from the philosophies underlying their judgments. For instance, in Keshavananda Bharati's case, the view which prevailed by a narrow majority of one with a Bench of 13 judges (I was one of them), the largest that has ever sat in the Supreme Court, although, the majority opinion imposed the requirements of conformity to a "basic structure" culled out from the Preamble to the Constitution, upon even Amendments under Article 368 of the Constitution, yet, this view could be said to produce anarchic and disintegrating results in as much as judges could decide very differently on

with the basic structure meant. It is true that the "basic structure", as explained by those who advocated it, rested upon highly integrating concepts of secularism, socialism, and democracy of a "Sovereign" Republic, yet, these concepts are so wide and vague as to enable different judges to adopt differing versions of what constituted secularism, or socialism, or democracy. Judges can, therefore, so function as to integrate or disintegrate.

Basic Structure Doctrine

13. It is true that, although, in the Rajasthan case and the Devraj Urs case, I have tried to limit the concept of basic structure to what is necessarily implied by Constitutional provisions and is capable of being referred to Constitutional provisions, yet, I wonder whether this attempt to narrow the sweep of the basic structure has been successful. I think lawyers could take differing views on the effects of this concept. Some may take the view that the concept of basic structure is bound to be used by judges only for purposes of upholding all the integrating values as embodied in the Constitution. Even if that be true, the sovereignty of the Republic is certainly so diluted, upon the view taken by the majority of the judges of the Supreme Court in Bharti's case, that one could speak of the supremacy of the Supreme Court. This dilution has resulted in what I consider to be an erroneous concentration of too much power in the Supreme Court making it virtually able to legislate. I have, therefore, felt that a Constitutional Court, representing all the three Organs of the State, may be able to play a more integrating role.

14. It is interesting to notice that, recently, while the Speaker of Lok Sabha asserted the sovereignty of Parliament, a Member of Parliament, Mr. Swamy, kept on repeating that "the basic structure" was sovereign, another Member of Parliament said that the people are sovereign, and still another Member, Prof. Dandavate, is reported to have tried to divide sovereignty itself into legislative and judicial, into Central and State spheres.

Sovereignty as an Integrating Concept

15. Personally, I am inclined to agree with the proposition stated somewhat quaintly in Besanquet's "Theory of the State": "Sovereignty is a feature inherent in a genuine whole". Although, legal sovereignty is attributable to what stands for all the Organs of the State, yet, its exercise, as I explained in Bharti's

case, operates at different levels and in different forms, as the power of ultimate decision. The Supreme Court of India, in accepting the principle of legal "supremacy of the Constitution" repeatedly, has given expression to this wholeness of the system of government set up by the Constitution. Its Preamble expresses the political fact that people of India had decided to set up a "Sovereign Republic" in a legal document—the Constitution, to which all dignitaries of State and judges and legislators swear allegiance, and which, as Chapter IV A of our Constitution clarifies, all citizens of India are also duty bound to uphold, stands for the unity and integrity of India.

16. The whole Republic and its Organs taken as a whole, and not merely parts of it, are legally sovereign. It is this sovereignty, which rests on the assumption of national integration and common citizenship of all citizens of India, irrespective of caste, creed, or region, which judges swear to interpret and uphold faithfully and truly, without fear or favour, affection or illwill. Their function is meant to be essentially integrating when they explain and expound its grand principles.

17. If the Constitution has the effect of integrating us, by securing acceptance of common principles of "Justice: Social, Economic and Political", of which Liberty and Equality are only aspects or facets, adjudications on questions of right, in accordance with the Constitution and laws, are also meant to be integrating functions by redressing grievances. Courts must expound the true character of all integrating activities and obligations which are incumbent on all citizens of India as well as on all the Organs of the State, whether executive, legislative or Judicial, in every region of India.

Friedmann's Observations

18. I may quote here from Friedmann's "Law in Changing Society" on the role of the modern judge in a democratic system such as ours. He said:

"The task of the modern judge is increasingly complex. Hardly any major decision can be made without a careful evaluation of the conflicting values and interests of which some examples have been given in the preceding pages. Totalitarian Government eliminates much of the conflict by dictating what should be done. The lot of the democratic judge is heavier and nobler.

He cannot escape the burden of individual responsibility, and the great, as distinct from competent judges have, I submit, been those who have shouldered that burden and made their decisions as particular a reflection of the conflicts before them as possible. They do not dismiss the techniques of law, but they are aware that, by themselves, they provide no solution to the social conflicts of which the law is an inevitable reflection."

"We live in an age of uncertainties and dangers, and age in which it is only too tempting to seek escape from the responsibility of decision in some kind of mythology. Millions have succumbed to authoritarian systems of government or emotional formulae which help to absolve the individual from decision and moral responsibility, and which afford an escape from the hard facts of life. In the administration of law, it is also tempting to seek escape from the burden of decision. The law must aspire at certainty, at justice, at progressiveness, but these objectives are constantly in conflict one with the other. What the great judges and jurists have taught is not infallible knowledge, or a certain answer to all legal problems, but an awareness of the problems of contemporary society and an acceptance of the burden of decision which no amount of technical legal knowledge can take from us."

Correct Philosophy is the real test:

19. Whether the decision of a judge is integrating or otherwise depends, in my humble estimation, on his socio-economic and political philosophies. Correct orientation on issues raised here can no more be evaded by judges than by ordinary citizens of our land. National Integration is a national objective whose service has to be common and compulsory on all of us whatever be our advocations in life. Our Prime Minister Smt. Indira Gandhi has rightly equated it with our duty to participate in national defence. Judges should be in the forefront and not in the rear of a disciplined march towards National Integration expounding faithfully and defending fearlessly what the Constitution stands for—the integrity and unity of our one nation.

20. Judges cannot shirk their duties to the nation by advancing any specious plea of a need for detachment. None of us can or should remain detached from his duty to the nation. Judges are not meant to function as disembodied ghosts hovering meaninglessly over the body politic. They are to articulate, as highly respected citizens, what binds or the "civil religion" which keeps together the secular polity. Toynbee, one of the most learned historians of our times, in his "Historian's View of Religion", spoke of a "religion", in the sense of a binding force for men and women of each profession and a vocation in life. If this be so, the "religion" of the forensic fraternity is the highest and the best. It is meant to soar above and integrate all religions whether traditional or vocational.

ANNEXURE-XXII

(Ref. Ch.IV, Para 4 2)

JUDICIAL ROLE IN NATIONAL INTEGRATION, PAPER-II, READ BY SHRI JUSTICE M.H. BEG, CHAIRMAN, MINOR- ITIES' COMMISSION, IN THE 'SEMINAR ON SECULAR POLITY AND NATIONAL INTEGRATION' AT HYDERABAD.

Present Scene

1. The present national scene is certainly depressing from the point of view of National Integration. Those individuals who try to put forward integrating ideas are sought to be demigrated, maligned and persecuted by those who want to put the clock back and to disintegrate the nation under pressures from domestic and foreign exploiters of religion and region and caste. Many politicians, instead of attempting to understand the implications of a secular polity from either judicial pronouncements on the subject or sound political philosophy vie with each other in attempting to pander to popular prejudices and to fan irrational religious or regional frenzies to get votes. Many administrators too are infected badly by poisonous notions and befuddled and weak-kneed. Even religion, whatever its brand, could unite if its real essence could be understood and extricated from much rubbish collected round it by charlatans. It is much too often only a handmaid and prisoner of political and economic interests which misuse and pervert it. In such a situation, it should, in my humble estimation, be part of a correct judicial role to stand up firmly and fearlessly to indicate the integrating paths of socialism and secularism which a sovereign democratic Republic has to tread if it is to survive.

2. I quote from my own judgments in two out of a number of cases to illustrate how the judiciary has done its duty to show the road to national integration.

An Election Case

3. In *Z.B. Bukhari versus B.R.Mehra* (1976) 2.S.CC 17 upholding a judgment of the Bombay High Court in an election case, I said :

“38. The whole outlook revealed by the speeches of Bukhari is that of a medieval crusader who had embarked on a

Jehad for extirpation of the heresy or 'kufr' which, in Bukhari's imagination, was represented by Chagla and his party. We do not consider such speeches to have any place in a democratic set up under our Constitution. Indeed, they have none in the world of modern science which has compelled every type of religion, for its own survival, to seek securer foundations than child-like faith on an unquestioning conformity or obedience to an invariable set of religious beliefs and practices."

We do not think that any useful purpose is served by citing authorities, as the learned Counsel for the appellant tried to do, to interpret the facts of the case before us by comparing them to the very different facts of other cases. In all such cases, the line has no doubt to be drawn with care so as not to equate possible impersonal attacks on religious bigotry and intolerance with personal ones actuated by bigotry and intolerance."

As already indicated by us, our democracy can only survive if those who aspire to become people's representatives and leaders understand the spirit of secular democracy. That spirit was characterised by Montesquieu long ago as one of 'virtue'. It implies, as the late Pandit Jawaharlal Nehru once said, "self-discipline". For such a spirit to prevail, candidates at elections have to try to persuade electors by showing them the light of reason and not by inflaming their blind and disruptive passions. Heresy hunting propoganda on professedly religious grounds directed against a candidate at an election may be permitted in a theocratic state but not in secular republic like ours. It is evident that, if such propoganda was permitted here, it would injure the interests of members of religious minority groups more than those of others. It is forbidden in this country in order to preserve the spirit of equality, fraternity, and amity between rivals even during elections. Indeed, such prohibitions are necessary in the interests of elementary public peace and order."

Secular?

Learned Counsel for the appellant submitted that if we considered the substance of what was said by the appellant, it would only amount to a plea that the voters should support one who opposes any change

Muslim personal Law as against another who wanted to change it. If change of personal Law is, it is suggested, only a secular matter, opposition to its change could not become an appeal on grounds of religion. To accept this argument would be to view the appeal to the voters after turning it upside down, or, perhaps, inside out. We are not concerned so much with the real nature of what is opposed or supported as with the grounds on which a candidate claims support over a rival. We have to primarily examine the clock which the appeal wears to parade under and not only what lies beneath it."

- "42. If all human activity in this world could be labelled "secular", on the ground that it appertains to "this world" as against "the other world", all religious thought and activity could be described as "secular", as it takes place in this world. But, the term is not used so broadly. It is a convenient label to distinguish all that is done in this world without seeking the intervention or favour of or propitiating a superhuman or Divine power or Being from that which is done professedly to please or to carry out the will of the Divinity. Secularism, in political philosophy, is a system of utilitarian ethics, seeking to maximise human happiness or welfare quite independently of what may be either religious or the occult."

Primitive Vs. Modern Man

- "43 Primitive man does practically nothing without making it wear a religious garb because his understanding of the physical world, of human nature, and of social needs and realities, is limited. He surrounds customary modes of action with an aura of superstitious reverence. He is fearful of departures from these lest he is visited by Divine wrath. Modern man, with his greater range of scientific knowledge and better understanding of his own needs as well as of the nature of the universe, attempts to confine religion to its proper sphere: that where he reaches a satisfying relationship between himself and the Divinity he believes in so as to get an inner strength and solace which enables him to overcome psychological crises or fears when confronted with disturbing or disrupting events such as Death, or their

prospects. He does not permit his religion, which should be essentially his individual affairs to invade what are properly the spheres of law, politics, ethics, aesthetics, economics, and technology, even where its administration is institutionalised and operates as a social force."

Our State

The Secular State, rising above all differences of religion, attempts to secure the good of all its citizens irrespective of their religious beliefs and practices. It is neutral or impartial in extending its benefits to citizens of all castes and creeds. Maitland had pointed out that such a State has to ensure, through its laws that the existence or exercise of a political or civil right or the right or capacity for occupying an office or position under it or to perform any public duty connected with it does not depend upon the profession or practice of any particular religion. Therefore, candidates at an election to a Legislature, which is a part of "the State", cannot be allowed to tell electors that their rivals are unfit to act as their representatives on grounds of their religious professions or practices. To permit such propaganda would be not merely to permit undignified personal attacks on candidates concerned but also to allow assaults on what sustains the basic structure of our Democratic State."

Our Constitution and the laws framed thereunder leave citizens free to work out happy and harmonious relationships between their religions and the quite separable secular fields of law and politics. But, they do not permit an unjustifiable invasion of what belongs to one sphere by what appertains really to another. It is for courts to determine, in a case of dispute, whether any sphere was or was not properly interfered with, in accordance with the Constitution, even by a purported law. The validity of Section 123(2), (3) and (3A) has not been questioned before us. And, we have explained above what these provisions are meant for."

The state makes law in accordance with utilitarian, to serve constitutionally enjoined objectives. Individual bodies concerned with religion in its conventional

sense, on the other hand, occupy themselves with relations between themselves and what are assumed to be supernatural powers. The two spheres must not collide. Nor should one be allowed to control the other, although there can and should be harmony between the two. Neither can the state permit discrimination, persecution, lawlessness, or violence in the name of religion, nor could religion be allowed to assume the control of law-making, administration, or adjudication in a secular state even for sections of the citizens of that State. This is the principle underlying our Constitution, as explained by the Supreme Court of India in the case mentioned above.

Fundamental Rights and Directive principle :

5. In *Kesavananda Bharati vs. State of Kerala* (1973) 4SCC. 225, I said :

"1800 The voice of the people, speaking through Constituent Assembly, constituted a new "Republic" which was both "Sovereign and Democratic". It no doubt sought to secure the noble objectives laid down in the preamble primarily through both the Fundamental Rights found in Part III and the 'Directive Principles of state policy' found in Part IV of the Constitution. It would, however, not be correct, in my opinion, to characterise as Mr Palkhiwala did, the Fundamental Rights contained in Part III as merely the means, whereas the Directive Principles contained in Part IV, as the ends of the endeavour of the people to attain the objectives of their Constitution. On the other hand, it appears to me that it would be more correct to describe the Directive principles as laying down the path which was to be pursued by our Parliament and State Legislature in moving towards the objectives contained in the preamble. Indeed, from the point of view of the preamble, both the Fundamental Rights and the Directive Principles are means of attaining the objectives which were meant to be served both by the Fundamental Rights and Directive Principles."

"1801. If any distinction between the Fundamental Rights and the Directive Principles on the basis of a difference between ends of means were really to be attempted, it would be more proper, in my opinion, to view Fundamental Rights as the ends of the endeavours of the

Indian people for which the Directive Principles provided the guidelines. It would be still better to view both Fundamental Rights and the "Fundamental" Directive Principles as guidelines."

02 Perhaps, the best way of describing the relationship between the Fundamental Rights of individual Citizens which imposed corresponding obligations upon the State, and the Directive Principles, would be look upon the Directive Principles as laying down the path of the country's progress towards the allied objectives and aims stated in the preamble, with Fundamental Rights as the limits of that path like the banks of a flowing river, which could be amended or mended by displacements, replacements, or curtailments, or enlargements of any part according to the needs of those who had to use the path. In other words, the requirements of the path itself are more important. A careful reading of the debates in the Constituent Assembly also leads to this premise or assumption. If the path needed widening or narrowing or changing, the limits could be changed. It seems to be impossible to say that the path laid down by the Directive Principles is less important than the limits of that path. Even though the Directive Principles are "non-justiciable", in the sense that they could not be enforced through the Courts, they were declared, in Art 37, as "the principles . . . fundamental in the governance of the State and it is the duty of the State to apply these principles in making laws". Primarily the mandate was addressed to the Parliament and the State Legislatures, but, in so far as Courts of Justice can indulge in some judicial law making, within the interstices of the Constitution or any statute before them for construction, the courts too are bound by this mandate."

03 Another distinction, which seems to me to be valid and very significant is that, whereas, the Fundamental Rights were "conferred" upon citizens, with corresponding obligations of the State, the Directive Principles lay down specific duties of the State organs. In conferring Fundamental Rights, freedoms of individual citizens, viewed as individuals, were sought to be protected, but, in giving specific directives to State organs, the needs of social welfare, to which individual freedoms may have to yield, were

put in the forefront. A reconciliation between the two was, no doubt, to be always attempted whenever this was reasonably possible. But, there could be no doubt, in cases of possible conflict, which of the two had to be subordinated, when found embodied in laws properly made "

"1804. Article 38 shows that the first of the specific mandates to State organs says.

"38. The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life "

In other words, promotion of social order in which "justice, social, economic and political" was the first duty of all the organs of the State."

"1805. The second specific mandate to State organs, found in Article 39, contains the principles of what is known as the socialistic "Welfare State". It attempts to promote social justice by means of nationalisation and state action for a better distribution of material resources of the country among its citizens and to prevent the exploitation of the weak and the helpless. It runs as follows : —

"39. The state shall, in particular, direct its policy towards securing.

(a) that the citizens, men and women equally, have the right to an adequate means of livelihood;

(b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;

(c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

(d) that there is equal pay for equal work for both men and women;

- (c) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;
- (f) that childhood and youth are protected against exploitation and against moral and material abandonment."

d Cases

16. On the views stated above, it would be difficult to hold that, the necessarily changeable limits of the path, which is contained in the Directive Principles, are more important than the path itself. I may mention here that it was observed in one of the early Full Bench decisions after the Constitution by the Allahabad High Court in *Motilal & others, v. the Government of the state of Uttar Pradesh & others* by Sapru, J .

shall also say a few words about the Directives of state policy which, though not justiciable, may be taken into account in considering the Constitution as a whole. These Directives lay down the principles which it will be the duty of the state to apply in the making of laws and their execution. Article 38 states that the state shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social economic and political shall inform all the institutions of the national life.

Article 39 lays down the principles which must inspire the state policy. Articles 40 to 51 concern themselves with such questions, inter alia, as, for example, the right to work, to education and to public assistance, the promotion of educational and economic interest of Schedule Castes and the duty of the state to raise the level of nutrition and to improve public health "

17. object in drawing attention to the nature of these objectives is to show that what the framers of the Constitution were after was to establish, what is generally known now as the 'welfare' or the 'social service State', in this country. They had taken a comprehensive view of state activities and it is quite clear

that they were not dominated by the *laissez-faire* thought of the last century. So much about Directives. Now we come the Fundamental Rights." The object of these Fundamental Rights, as far as I can gather from a reading of the Constitution itself, was not merely to provide security to and equality of citizenship of the people living in this land and thereby helping the process of nation building, but also and not less importantly to provide certain standards of conduct, citizenship, justice and fairplay. In the background of the Indian Constitution, they were intended to make all citizens and persons appreciate that the paramount law of the land has swept away privilege and has laid down that there is to be perfect equality between one section of the community and another in the matter of all those rights which are essential for the material and moral perfection of man."

"1807. Indeed, in *Balwant Raj V. Union of India* Dhavan, J., went so far as to held that 'the duty of the State' under Art. 37 to apply these principles in 'making laws' was to be carried out even by the judiciary of the state whenever it had a choice between two possible constructions, that is to say, when it could indulge in judicial law making."

Conclusion

6 Whereas the first part of his contribution was meant to elucidate certain general features of a judge's integrating commitment, by virtue of his oath of office, to uphold the Constitution and the laws, without fear or favour, affection or illwill, the second part illustrated and elaborated more specifically the implications of this commitment. The commitment, however, is not to any kind of partiality which would, in fact, operate as a disqualification. It is to judicial freedom from partiality, even operating as 'as' 'undisclosed premises', on grounds of creed, caste, race, religion or region. Judges should set best possible example to all citizens of a secular, socialist, democratic republic, of what is to be expected of them.

7. Essentially, it is the citizens of India who must discharge their integrating duties towards the nation by observing certain rules of conduct towards each other which these duties imply. Judges can only draw their attention to their Fundamental

Duties as found in part IV-A of the Constitution and the laws of the land. Article 51-A of the Constitution enacts these Fundamental Duties as follows :

"It shall be the duty of every citizen of India :

- (a) to abide by the Constitution and respect its ideals and institutions, the National Flag and National Anthem;
- (b) to cherish and follow the noble ideals which inspired our national struggle for freedom;
- (c) to uphold and protect the sovereignty, unity and integrity of India;
- (d) to defend the country and render national service when called upon to do so,
- (e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities to renounce practices derogatory to the dignity of women;
- (f) to value and preserve the rich heritage of our composite culture;
- (g) to protect and improve the nature environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
- (h) to develop the scientific temper, humanism, and the spirit of inquiry and reform;
- (i) to safeguard public property and abjure violence;
- (j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement."

8. The integrating role of the Judiciary consists in applying tests and safeguarding values enshrined in the Constitution and the laws. It does so on the ideological plane by a process of construction and interpretation of the Constitution and the laws. This, in itself, is an integrating role. It involves integration by either reconciliation of two seemingly conflicting principles contained in the laws, or by rejecting the one which is opposed to the fundamental law in the Constitution and upholding that which can justly and reasonably be harmonised with it or flows

from the State in the collection of the costs of either concluding a party's claims or recognising and upholding one as legal and rejecting another as opposed to law.

9. Sir Henry Maine, writing in "Ancient Law" thought that the origin of law itself was to be found in the judicial role of heads of families in primordial society giving decisions on problems encountered by members of the family in their dealings with each other and outsiders. These collections of verdicts according to this theory, crystallised into custom venerated as supposedly divine in origin. Maine described these collections, woven into oral tradition, as "Themistes" from "Themis", the Greek Goddess of Justice. The earliest notions of the king are also those of the judge and the law-maker rolled into one. Later, as society advanced and democratic aspirations developed, it was perceived that such a combination is the mother of tyranny and injustice.

10. The law contained even in ancient codifications, like the Roman XII Tables (This Codification was the result of plebian suspicions of patrician magistrates so that laws may not be twisted to the disadvantage of plebians), was transformed by judges who rationalised, secularised, and moralised it. They resorted even to fiction and then to Equity in order to harmonise law with justice. Greek Natural-Law "Jus Naturale" and the rules of "Jus Gentium" common to all civilised nations in the ancient world operated through Roman praetors or Magistrates, instructed by great jurists, to push forward the development of law towards greater justice, equity, reason, and universality. The modern judge is in a more advantageous position. He has to apply largely statutory laws which embody not merely basic notions of justice, but newer ones which answer the needs of a complex integrated society whose express object is: "Justice, Social, Economic and Political". Judicial integrity, however, in applying the law, in consonance with principles of justice, remains an indispensable bulwark of National Integration. The law operating as the integrating force of society, through the secular state, has displaced religion as "the control of controls". Judicial integrity is a basic guarantee of preservation of secular polity and National Integration. It is the citizen's ultimate protection against unjustifiable discrimination and misuse of power of every kind.

ANNEXURE-XXIII

(Ref. Ch IV, para 46)
CAMP : LUCKNOW

28-4-1984

**REPORT OF SHRI JUSTICE M.H. BEG, CHAIRMAN,
MINORITIES' COMMISSION, ON HIS MEETING WITH
SHRI AMMAR RIZVI, MINISTER FOR EDUCATION AT
LUCKNOW**

1. I met Mr. Ammar Rizvi on 27-4-1984 at Lucknow. It appears from what Mr. Ammar Rizvi said that he is not impressed by people merely running about and offering their services for bringing about a compromise. He said that, if some concrete proposals are put forward, he could himself take part in the process of helping to reach a compromise on this matter. This meant that Mr. Rizvi had not, so far, taken such part as he could, if his wishes were met, in recommending a compromise.

2. As Shri Rizvi himself is a Shia, I asked him to tell me what he could about the grievances of Shias. He said that the Supreme Court was impressed by the long history of oppression of Shias and wanted this to end. It seemed difficult to see how removal of graves could end this long history instead of adding some fuel to feed the fire, if that exists, which causes hostility. He said that he was himself opposed to the shifting of graves. He, however, suggested the following terms for consideration and agreement by the representatives of the Sunnis:

1. The construction of a boundary wall around the graves of Sunnis with a passage to them;
2. Complete control of the Shias over the buildings in the Shia Wakf Board's Registers;
3. Withdrawal of all cases filed by the Sunnis;
4. Compensation to be paid for breaking of Tazias of the Shias by the Sunnis;
5. Full guarantees by the Government for the protection of Shias and observance of their religious rites.

3. Some of the above terms are certainly rather vague. The first condition has been accepted by the Sunnis. The effect of the second condition will not be clear unless all the buildings entered in the Registers of the Shia Wakf Board are mentioned. Presumably, this condition is directed at control over the mosque in a part of which a Tazia is kept locked. The third condition about the withdrawal of all cases is also not clear unless we know what are the cases, against whom, and by whom which are to be withdrawn. The fourth condition involves acceptance by the Sunnis of the responsibility for once broken Tazia. That was long ago. We do not know who did it. Nevertheless, the Sunnis could be asked to make a token payment to remove the feeling of injury on the part of the Shias, without owning responsibility for breaking of any Tazia. The fifth condition is for the Government of which Shri Rizvi is a part, to consider. In fact, the declaration made by the Supreme Court guarantees the performance of Shia religious ceremonies and rites. These ought to be accepted by the Sunnis as the decision of the Court is to be respected by all concerned. It is final. So far as I know, the Sunnis have no objection to this now at any rate.

4. As I was informed that the order of the Court about Shifting of graves, the execution of which nobody seriously wants, is being used by the Shias as a bargaining counter to obtain control over the small mosque, which is the real bone of contention, I suggested that the Sunnis may be asked whether they could give up the mosque exclusively to Shias and accept the construction of a new mosque for Sunnis between the graves to be shifted so that this area could be cut off from the Shia area altogether. He strongly approved of this suggestion. But the difficulty may be that the Sunnis may not agree to it. It would involve giving up the small mosque where a Sunni Imam conducts the prayers and has control over it. If the Sunnis are going to get a new mosque altogether, it should be possible for them to accept this suggestion. The large sum of money deposited for shifting the graves could be better utilised like this as a gift of the Shias to the Sunnis for a new mosque in return for the Sunnis giving up all claim in favour of the Shias to use the old mosque. Of course, this may contravene the principle that a mosque cannot be of any particular sect. But, in the interests of peace and good relations, the Court may sanction such an agreement.

5. If Mr. Rizvi is able to make the compromise acceptable to all the Shias, and, if a settlement about the mosque provides

ing to a lasting solution, the matter is worth serious consideration by the Sunnis. The Commission should, therefore, if it is to intervene, provide Sulaiman Sait Sahib with copies of the Chairman's reports and ask him to discuss the matter with the Chairman in order to find out whether a compromise could be filed on terms proposed by or on other terms and conditions proposed and suggestions acceptable to Mr. Ammar Rizvi. This Report is for consideration of the Commission

(Ref. Ch IV, Para 4.7)

**REPORT ON COMMUNAL RIOTS AT NARNAUL TOWN,
HARYANA**

1. Narnaul is the District Headquarter of Mahendra Gadh District. The area of the District is approx. 3500 sq. kms and, on three sides, it has borders with Rajasthan. It was a part of erstwhile Patiala State. Most Sikh inhabitants came to this District after Partition from West Pakistan. The population of the town is 51,000 and the Sikh population in the town is about 500 only but, in the neighbouring villages, about 1000 more Sikhs reside.

2. The Commission had received numerous representation from the Khalsa Aman Committee regarding the communal incidents at Narnaul on 10-10-1983 and 22-5-84. As per Commission's deliberations dated 27-7-84, Member Gyan, Surjan Singh, myself and D.C.L.M. visited Narnaul on 16th/17th August, 1984. The team was received at Narnaul by officials of the Govt. of Haryana i.e. S/Shri M.S. Rathi, IAS, Commissioner of Hissar Division; V.V. Negi, IPS, DIG of Police, Hissar Range; S.C. Choudhary, IAS, Dy. Commissioner Narnaul, S. Kumar, IPS, Superintendent of Police, Narnaul and Krishan Sarup, PCS, SDM, Narnaul. Besides, the representatives from Sikh community were also present. The Officials led by the Commissioner gave a brief verbal resume of the incident which occurred on 22-5-84. However, on being requested by us, they also gave facts about the incident which took place on 10th October, 1983. The Officials expressed the view that there was no hint of trouble on 22-5-84 as every thing was normal except the general atmosphere then prevailing in view of the incidents in Punjab.

3 It was triggered due to a quarrel between late Shri Kannaiah Lal Soni (Hindu), a seller of soft drinks and his transporter, a Sikh tempo driver, Shri Baldev singh over payment of hire charges for the tempo. Late Shri Soni paid Rs. 400 only to

Shri Baldev Singh, whereas the later claimed Rs. 460 as the fire charges. Shri Baldev Singh, who was accompanied by two other Sikh boys, fatally stabbed Shri Soni at about 1.00 p.m. and immediately mobs consisting of Hindus assembled in the market place. They indulged in the looting of shops belonging to the members of Sikh community and also indulged in arson. They burnt the tempo of Shri Baldev Singh and two buses belonging to Shri Swaran Singh which were parked in front of his office (Incidentally, son of Shri Swaran Singh is in judicial custody in the case relating to the murder of Shri K.L. Soni). According to the District Officials, the case of Shri Swaran Singh was most pitiable, as he had been without any other source of income. The Government had not given him any grant as his buses were insured, but insurance company was denying his claim as the buses were, though comprehensively insured, were not insured against riots. Besides, his son was in judicial custody being involved in the murder case. The most shocking incident took place when Shri Surinder Singh, a Sikh science teacher in a neighbouring village, took shelter in his family shop of motor spares, adjacent to the place where buses were burning. When he came out of his shop due to heat generated by burning buses, he was over-powered and thrown on the burning buses and he succumbed to the injuries at about 2.30 p.m. on 22-5-84. In all, 19 shops belonging to the members of the Sikh community were looted. Another member of the Sikh community was also seriously injured. However, some of the bigger shops/establishments belonging to the Sikhs, where the police could be posted, escaped the damage.

4. The bulk of the Police Force was deployed in connection with the Taoru Vidhan Sabha Bye-Election and others were deployed at Rewari. But even with the meagre force at their disposal, the D.C. and S.P., who were posted only a few weeks earlier at Narnaul, admirably brought the situation under control (a view expressed by the members of Sikh community themselves) within about 3 hours. Prohibitory orders under Section 144 Cr. P.C. were promulgated; 3 cases were registered and 23 Hindus and 1 Sikh were arrested in connection with the incidents on that day.

5. On 16-8-1984, the representatives of Sikh community called on the team and narrated the incident and put forward their point of view. During the initial stages, the D.C. and S.P. also attended the meeting. Later on, there was an exclusive meeting with the representatives of Sikh community, where they

voiced their apprehensions and freely expressed their opinion. They also put forward some leaflets and newspaper cuttings in support of their claim.

6. There is hardly any difference regarding the incidents between the views expressed by the Officials and those given by the members of the minority community except the fact that the Sikhs expressed the murder of ASI, Shri Nirmal Singh, on the night of 24-5-1984 as a pre-planned communal incident but the Official view was that it was an attack on the Police picket, where ASI, Shri Nirmal Singh, died but other constables with him could escape. In this connection, a case has been registered, 3 persons were in judicial custody and the investigation of the case was in progress.

7. The main points made by the representatives of Sikh community were as follows:—

- (i) That during the incident of 10th October, 1983, 16 shops belonging to the Sikh community suffered losses; that they had been assured of adequate compensation and action against culprits, but nothing had been done so far.
- (ii) That 28 persons of the Sikh minority community suffered huge losses in the riot of 22-5-84, but the Govt. of Haryana had sanctioned reliefs to 16 persons only and that also a meagre amount and that even the said amount was still to be paid to them. According to them, the amount of losses suffered varied between Rs. 8,000/- at the minimum and Rs. 1,82,000/- at the maximum as against the amount of compensation varying between Rs. 1,500/- to Rs. 5,000/-.
- (iii) That the enquiry and assessment by the SDM, Narnaul, regarding the damages suffered in the riot of 22-5-84 was not satisfactory as less losses have been shown than what was the actual loss suffered.
- (iv) That the BJP leaders like S/Shri Mangal Sain and Ram Vilas Sharma were responsible for the communal violence against the Sikhs and are still subtly inciting the people.
- (v) (a) That 8 persons i.e. S/Shri Kishan, Sarpanch, Shri Ram Sarup, Master Mahesh, Mahavir Kaushik, Gopal Garg, Govind Bhardwaj, Radhey Shyam and

Kailash S/o Shri Ram Singh, whose names were in FIR, were still at large and were even now active in spreading communal feelings against the sikhs.

- (b) That the Members of Sikh community specially mentioned about one Shri Kishan Chand Choudhary, son of Shri Sukhdayal Choudhary, as a particular bad element spreading communal hatred but he had not been arrested.

That the B.J.P. elements were trying for the transfer of the DC and SP as they had been impartial and dedicated to their job and gave a sense of safety to the minority community

That they wanted the arms licences to be liberally given to the members of minority communities.

That the Police was not making adequate endeavour to recover the looted property. Further according to their estimate, the police has recovered property worth approximately Rs. 60,000/- or above but in their record, they were showing the recoveries to the tune of Rs. 10,000/- only.

That Narnaul, being dominated by agricultural economy, most of the Sikh traders used to sell the goods on credit and they were apprehensive that the Hindu buyers, especially from rural areas, may not honour their commitment on communal grounds.

That they doubted the impartiality and bonafides of the Deputy S.P., Narnaul, Shri Ram Kala. On being asked by the team, they could not give any specific instance except that he turned up late when he was contacted on telephone on 22-5-1984. They, at the same time, praised his nice manners.

That a G.R.P. Head constable and his associate, another Constable, who were posted at the G.R.P. Narnaul, usually behaved disgracefully with those Sikhs who go for work but do not pay some money to them. On being asked by the team, it was confirmed that their behaviour was equally bad with all others who do not grease their palms.

That they wanted the posting of Central Police Force, besides that, at least one amongst the two District

heads—D.C. and S.P., should be a Sikh Officer, which would give them the sense of security.

8. Member, Gyani Sujan Singh advised the deputationist to represent to the government again through the Dy Commissioner for adequate relief regarding the incidents on 22-5-1984 and the earlier one in October, 1983. He also assured that these facts would be placed before the Commission so that a suitable recommendation is sent to the Government.

9. Thereafter, a team led by Member, Gyani Sujan Singh had a meeting with the Officers and the views expressed by the members of Sikh community were brought to their notice. The Officers explained that they would request the SDM to again recheck his assessment about the damages suffered by the Sikh traders and that fresh applications to grant compensation both relating to the incidents of 10th October, 1983 and 22-5-1984 had been received by them and they would be forwarding the same to the Government duly recommending their cases. They said that the grant already sanctioned by the Government would be drawn and disbursed shortly.

10. As regards the recovery of looted goods, the DIG stated that the recoveries of goods to the tune of Rs. 40,000 have already been made and they were making earnest endeavour to recover the rest of the booties as far as possible and that, at present, there is absolute calm. As regards the G.R.P. Head constable and Constable, he assured that the prompt action against them would be taken and that they would be transferred from that place. As regards Dy S.P., Shri Ram Kala, they said that he was a competent officer and is otherwise well reported. However, they would keep a watch over his activities. Besides, both the SP/DSP could not have been present together at the same place due to administrative reasons.

11. As regards the 8 persons mentioned in the FIR, it was reported that they were apprehended under Section 107 and 151 Cr P.C. only and subsequently released. The investigation of the cases was still in progress and that if their complicity came to notice, due action would be taken against them. He also mentioned that a vigil would be maintained about their activities. As regards Shri Kishan Chand Choudhary, they stated that he was arrested but was later on released as, on the date of incident, i.e. 22-5-1984, he was not at Narnaul and that his name had not been noticed in the trouble relating to May, 1984, though his involvement in the earlier incident can not be

ruled out. They also stated that the incident relating to October, 1982 was not a serious affair and it was on the record of D.C. that both the parties amicably effected a compromise and they together distributed sweetened water during the festivities in October, 1983. However, their case regarding the compensation for damages suffered by them were sent to the Government of Haryana for relief but the same had been rejected by the Government. They, however, agreed to again recommend to the Government for grant of relief and, in this connection, the members of the Sikh community again submitted their representation to the D.C. They also expressed the view that there was no ill-feeling between the communities and the administration was geared to take prompt action in any eventuality. The results of the criminal cases would be known only after the investigations were completed.

12. The officials stated that the wife of the deceased school teacher, being a matriculate, was offered a job, but earlier she was not agreeable. Now she was agreeable and an offer of appointment would be made. Besides, the Govt. was contemplating some other relief measures for her family. As regards the death of the ASI, Shri Nirmal Singh, an ex-gratia payment of Rs. 10,000 was made by the Government to his family, besides the deceased was being treated as on active Police duty and all the benefits would go to the family. His wife is also being paid from the Police Benefits Funds, etc. besides a member of his family would be given a suitable job.

13. The Officials also stated that they were looking into the feasibility of getting some bank loans to the affected Sikh traders to rehabilitate them in business. The Haryana Government official team was quite cooperative and forth-right in furnishing information to us.

14. After the meeting, Member received a Congress leader and Ex-M.L.A., Rao Bansil Singh and discussed with him the matters relating to communal harmony.

15. On the following day, i.e. 17-8-1984, Member accompanied by J.S., DCLM, Dy Commissioner and S.P., Narnaul visited the place of occurrence relating to 22-5-84 and, later on, met the members of minority community at the place of Sardar Didar Singh who is an old and prominent Sikh resident of Narnaul. Sardar Didar Singh made fervent and patriotic appeal to maintain peace, amity and brotherliness in the interest of our motherland. He stated that the memories of the holocaust of the Partition days were still fresh after which they shifted to India and that it was only

some selfish and self-seekers who created problems to which others agreed. He also made an appeal to Member to convey their feelings.

16. Thereafter, Member addressed a congregation of Sikhs at the local Gurdwara. He emphasised that the relationship, of brotherhood between the Hindus and Sikhs is unbreakable. Certain foreign forces, which were not interested in the welfare of India were inciting disturbances in the country. The rebels cannot be pardoned. The army had to go to Darbar Sahib due to the nefarious activities of extremists. This had hurt the Sikhs but no Sikh in India supports the demand for Khalistan. The Sikhs had migrated from Pakistan because of their love for India. He cautioned against the anti-social elements vitiating the atmosphere and taking undue advantage of the situation. He added that the majority community also had its responsibility to the members of minority community in treating them as brothers. The Government is committed to safeguard the interests of minorities and wants to win their confidence. Rao Bansi Singh, Congress (I) leader had met him on the previous day and expressed regret for past incidents and had assured that all efforts would be made to maintain peace in future. Member exhorted the local Sikhs to extend their cooperation in preserving the communal harmony. He added that the Chief Minister of Haryana was a very secular-minded person. Their difficulties would be communicated to him. He advised them to forget the past and shed their fear. He also hoped that the DC/SP would continue their efforts to contain anti-social elements and hold meetings of the Peace Committee consisting of both communities. He added that the problems brought to his notice will be communicated to the Prime Minister as soon as he gets an opportunity to meet her. He thanked them for the warm welcome accorded to him.

SUGGESTED RECOMMENDATIONS

(i) The Government of Haryana may liberally give compensation to all those who suffered in the riot of 22-5-1984.

(ii) The losses may be once again re-assessed and the amount of compensation may be suitably enhanced.

(iii) The Government of Haryana may reconsider their decision and pay due relief to all those persons who suffered damages in the disturbances of 10th October, 1983.

(iv) The relief may be paid expeditiously.

(v) The losses suffered by some members, whose cases have not so far been considered for relief due to some reasons or other, may be reconsidered and reasonable relief should be given.

(vi) The family of the deceased teacher, Shri Surinder Singh, may be adequately rehabilitated and provision may be made for his wife, children and dependents. The government may consider some relief to another Sikh, who suffered serious injury. The Govt. may perhaps consider to take similar measures to rehabilitate the wife, children and dependents of Late Shri K. L. Soni.

(vii) The government of Haryana may consider the issue of arms licences to at least some selected members of minority community to instil in them the sense of security.

(viii) The Peace Committees of both communities should meet frequently for promoting mutual goodwill and harmony.

(ix) The Commission appreciated the roles of the Administration in general and that of S/Shri S. C. Choudhry, D.C. and S. Kumar, S.P. in particular and they deserved suitable reward/encouragement by the Government in terms of P.M.'s Directives. Their immediate supervisory officers i.e. the Divisional Commissioner and the DIG of Police also deserve the praise.

(x) In general, the lower echelons of the administration and the Police may be constantly enthused in their endeavour to gain more and more trust and respect of the members of the community.

**REPORT BY MEMBER, VEN. K. G. BAKULA ON
HIS TOUR TO ZANSKAR AREA OF JAMMU AND
KASHMIR.**

1. Prior to the bifurcation of the former District of Ladakh into two District, namely the District of Leh and the Distt. of Kargil, Zanskar was one of the Tehsils of the composite District. The bifurcation, according to the State Government, was necessitated for administrative convenience. This is not correct. The bifurcation was, in fact, motivated by political considerations which I would not like to discuss here. It may, however, be mentioned that the bifurcation created diverse administrative and other problems for the people of Zanskar. Though for cultural and ethnic reasons, the Tehsil of Zanskar should have formed a part of Leh District but its unrealistic merger with the Kargil District added to the woes of its people numbering 12,000 spread over the same number of square kilometers of mostly barren land. However, with the merger of Zanskar Tehsil with the Kargil Distt. its status was raised to that of a Sub-Division which provides little mental satisfaction to its people. The woes of the people of Zanskar are manifold—social, economic, educational, administrative, etc. Even the live-stock of this area are in the group of suffering and their silence eloquently speaks for it.

2. During my recent one week tour of Zanskar, I saw for myself the moving plight of the people which needs to be seen to be believed. This is primarily due to the apathy of the State machinery towards them and also due to the geographical factor which cuts them off from the rest of the world and even the District Headquarters for about nine months in a year. It would be relevant to mention here that Zanskar remained under Paskistani raiders during 1947 who brought inexpressible havoc in the area. When the raiders were driven out, not a single State Official in-charge of rehabilitation even paid a single visit to the area. Not a little finger was raised by the State Government to repair the damaged places of worship or even to compensate them for the loss suffered by being robbed of their property. When the misery

ple was brought to the notice of Government of India, Prime Minister. Pandit Jawaharlal Nehru, sanctioned Rs. 10,000 for the relief of the sufferers. But, unfortunately not a penny was spent on the real sufferers whereas it was either pocketed by the distributing officials or paid to people who had enjoyed a privileged position during the occupation of the Area. The privation and sufferings of people of Zaskar thus passed through in the wake of the country, is a matter of history. But that these people should continue suffering even now is a matter of concern. Some of their problems, which are standing in the way of their progress and normal living and which are in need of early remedial action, are as under :—

Zaskar, the remotest and inaccessible area of Kargil Distt enjoys no telegraphic facility, whereas the lone Post office at Padam, the Sub-Division Hqrs., is not adequately equipped to provide any worthwhile facility to the people spread over 12,000 Sq. Kms. While postal facilities within and outside the Sub-Division need to be expanded, tele-communication facility needs to be provided without further delay. The non-availability of these essential facilities cost scores of human lives in the past few years in Zaskar.

During 1982, many human and animal lives were lost due to unprecedented snow falls and other natural calamities. The families of human victims and owners of lost animals were not compensated by the State Government as it usually does in other parts of the State in similar circumstances. This discriminatory treatment is not in keeping with our socialistic and democratic professions. As the State Govt. has been indifferent towards this matter, which concerns a very weak section of our society, Central intervention is needed.

For the entire Sub-Division, there is only one dispensary at Padam. To what extent this dispensary can meet the medical needs of the entire region could well be comprehended. Even as it is, the dispensary has no lady doctor and essential drugs are conspicuous by their absence. It is, therefore, not surprising that innocent lives are lost every year particularly during the long winter months for want of proper medical care. The need for opening of more dispensaries at suitable places.

particularly at Lungnag, Stod, Sham and Karze is a dire necessity.

- (4) The number of schools in the Sub-Division, viz., 1 High School, 1 Lower High School, 7 Middle Schools and 25 Primary Schools is inadequate to meet the educational needs of this vast backward area. Even the existing schools are not properly staffed and equipped. While there are hardly a couple of trained teachers in the only High School at Padam, there is no provision for the teaching of science subjects there. It may sound incredible, but it is a fact, that in the whole of Ladakh region, there is no provision for imparting instructions in the primary stages through the medium of the mother tongue. Thus the educational needs of the area need to be seriously looked into for banishing illiteracy and ignorance which hold the people in a tight grip. It is, unfortunate, that neither the existing teaching staff nor the Officials of the Education Department are motivated by a sense of duty, what to speak of they being prompted by a missionary spirit which is most need in this area.
- (5) The 'Desert Development Scheme' introduced by the Govt. of India in some desert areas, including the Ladakh region, is intended to bring more fallow land under the plough. This Scheme is, for reasons unknown, not extended to Zaskar, though it fulfills the prescribed requirements laid down under the Scheme. Under the Scheme, canals could be dug in Zaskar, wherever possible by canalising glacial waters in which the area abounds with a view to bringing more land under cultivation. The implementation of the Scheme would go a long way in bringing arid land in the region under cultivation. This project is not being implemented in Zaskar.
- (6) In view of the inaccessibility of the area, the need for linking Zaskar by Vayudoot services of IAC is not a tall demand. However, till a survey is made in this regard, it would be desirable to operate a helicopter service between Padam and Leh and Padam and Kar-gil. Such a provision would facilitate air-lifting of serious patients who lose their lives for want of medical treatment and attention. The number of such cases and those who suffer from natural calamities is on the

increases particularly during winter months. The operation of a helicopter service would also serve as a link between the Sub-Divisional Headquarters and outside world.

Zaskar needs to be connected to Leh by road as well. This is necessitated by the fact that the existing Padam-Kargil road remains snow-bound for most of the year and the area gets completely cut off from outside world for nine months in a year. In the absence of a road between Padam and Leh, the traffic presently moves along pony tracks and over frozen rivers. The State Government have since initiated construction of Nyemo-Zunglo-Padam road (Chhader road) but its progress is sluggish. This road, once completed, would serve as an all weather road and thus mitigate the suffering of the people of Zaskar to some extent. It would also be desirable to connect Lungnag (Zaskar) with Manali-Leh road to relieve the people of age-old isolation. Moreover, the expenses on the construction of this link-road will be meagre keeping in view the distance involved. The construction of the above-mentioned roads may be entrusted to the Border Roads Organisation for speedy execution. Early construction of these roads is vital for the development of Zaskar.

The Prime Minister's 20-Point Programme is conspicuous in its absence in Zaskar. The people of Zaskar have heard of such a Programme having been launched elsewhere in the country and the people reaping its fruits. They are, therefore, anxious to participate in the Programme which would go some way in contributing to their well-being. Necessary directions to the State Government for early implementation of the Programme in Zaskar need to be issued.

The Zaskar Sub-Division, surprising as it may appear, does not enjoy even the semblance of the electric power. It is not known when the hydel project already approved by the State Government would be undertaken. While the project needs to be completed expeditiously, the State Govt. could, in the meantime, commission diesel power engines in at least some areas of the Sub-Division as is done elsewhere in the District. The urgency of this basic facility is too obvious to be stressed upon.

- 10) The plight of the animal wealth of Zaskar follows the pattern of its human lives. There are no worthwhile veterinary facilities available in this region. Moreover, the Bakarwals from Jammu and Kashmir with thousands of their cattle find a congenial abode in the Rangdom village of the Sub-Division. This village abounds in pastures which feed the cattle of the Bakarwals during summer months. The 'Bakarwals' are armed with guns, thus forbidding any intrusion on the pastures by the indigenous cattle. Thus the licking of stones by local cattle is a common sight. The 'Bakarwals' whose entry was earlier restricted upto Parkachik (Kargil), have been forcing their illegal entry into Zaskar during the past few years. At the persistent requests of the people, the State authorities established a police check-post at Rangdom some time back to prevent entry of 'Bakarwals' there. Things, however, did not improve and 'Bakarwals' continue visiting the village year after year in connivance with the police. It is a serious matter calling for urgent intervention. It is felt the situation would improve if the local police at Rangdom is replaced by the BSF personnel.
- 11) The village of Rangdom is about half way between Padam the Sub-Division Hqr. and Kargil, the District Headquarters. During the winter season, the village remains cut off from both the headquarters where public distribution facilities exist. In the absence of this basic facility, the people of the village have to face starvation conditions at times. The setting up of a ration depot at Rangdom is thus a bare necessity.
- 12) During the past two years, vacancies in local offices were filled by people from outside Zaskar. This naturally having a demoralising effect on the local educated youth for whom employment opportunities outside Zaskar are little. Should this calculated policy of the State authorities continue, the local people would be driven to stop their children from going to schools and that would be disastrous. This is a very serious matter calling for immediate remedial action.
- 13) In the District Development Board meeting held in 1980, a Block Office was sanctioned to be set up at Karsha Village of Zaskar. The Office has not been

opened even after a lapse of three years. Necessary instructions for opening the office without further delay need to be issued.

I was told by people both at Kargil and Padam during my recent tour of the areas that such people, who did not see eye to eye with the ruling National Conference during the last State Assembly elections, have been tortured and put behind the bars, on booked-up offences. Those who escaped arrest, are being harassed in one way or the other. There is none to listen to the sufferings of these people and there seems no way out for their deliverance. The people are also threatened with consequences if they did not co-operate with the National Conference and the Government machinery in the next Parliamentary election. The Election Commission needs to ensure that there is free and fearless exercise of franchise by the people of the region in any future election. The existing electoral rolls which are un-realistic, need to be revised under the supervision of the Election Commission.

The entire Ladakh Region, barring the area of Zaskar has become a great tourist attraction. Therefore promotion of tourism in Zaskar, in a planned manner and provision of necessary facilities is essential, as these would go some way in improving the economic conditions of this area.

Zaskar has over the ages been a very peaceful area known for its rich Buddhist culture and heritage. It is unfortunate that the erstwhile tranquility which prevailed in this area has received a blow because of the open connivance of the State Government machinery. It appears that the State Govt. has deliberately posted some officials in the area whose main assignment appears to be to create dissention between the two communities. The undesirability of such officials has been highlighted not only by the local Buddhists but also by the prominent Muslims of the area as revealed through their scores of representations to me. The local representatives asserted that the said undesirable official elements have been posted to the area to disturb its peace and this is testified by the fact that they are not transferred in spite of repeated request of the

people. The transfer of such officials will go a long way in maintaining communal harmony in this area.

- (17) The State Government, as is well-known does not recognise the jurisdiction of the Minorities Commission over it. For that reason, some of the problems faced by the people of Zaskar and Kargil have been highlighted in this brief Report for kind consideration of the Government of India and for such action it deems appropriate

NEW DELHI

KUSHOK BAKULA

24th Sept, 1983

ANNEXURE XXVI
(Ref Ch. IV, Para 4.10)

**REPORT ON THE DISCUSSIONS OF VEN. KUSHOK G.
BAKULA, MEMBER, WITH THE CHIEF MINISTER
OF JAMMU & KASHMIR STATE**

1. The Commission, in its 70th meeting held on 11th October, 1983, considered my report on the problems of the people of Zaskar and desired me to discuss the same with the Chief Minister of Jammu & Kashmir, for remedial action. I did not consider it worthwhile to discuss the matter with the then State's Chief Minister, Dr. Farooq Abdullah, in view of his apathetic attitude towards the problems of the entire Ladakh Region including Zaskar. With the change of Govt. in the State in July last and Shri G.M. Shah's taking over as Chief Minister, things in the State appeared to change fundamentally. This prompted me to meet the new Chief Minister and discuss with him the problems of Zaskar in particular and those of the frontier region in general. I, therefore, alongwith the representatives of Muslims and Budhists of the region proceeded to Srinagar where we held a series of meetings with the Chief Minister and his Cabinet colleagues from August 28-31, 1984.

2. It would be relevant to mention that I had felicitated Shri Shah on his assumption of office as Chief Minister and had assured him full co-operation of the people of Ladakh and my own in his endeavour to re-shape the destiny of the State. On his part, Shri Shah had assured me of his Government's sympathetic consideration of the problems and demands of the people of Ladakh. It was against this background of mutual understanding and accommodation that the long drawn parleys were held. We were given an unequivocal assurance that our major demands would be conceded during our stay in Srinagar itself.

3. The problems of Zaskar which the Commission had desired me to take up with the Chief Minister were, no doubt, discussed. But in the face of the major problems and demands of the region, these received a rather lower priority. It was however, brought to the Chief Minister's notice that no action had been taken thereon and that the concerned people suffered in consequence. The representative from Zaskar, who was

also present at the meetings, brought a fresh crop of problems to the Chief Minister's notice like the sluggish pace of developmental works, inadequacy of funds, inadequacy of medical facilities particularly the delay in setting-up a dispensary at Karsha already approved, need for opening two additional lower High Schools and four Middle Schools and the need for a regular bus service from Kargil to Padam (Zaskar) as against the existing once a week service etc. It was also impressed upon the Chief Minister that the Zaskar Sub-Division was without a Sub-Divisional Magistrate for over a year and that other Sub-Divisional level officer like the Dy. S.P., Tourist officer, etc., were conspicuous by their absence. The Chief Minister gave a sympathetic hearing to the problems and assured early remedial action thereon. He, however, overtly attributed the delay or inaction to the previous regime. However, future alone will reveal the extent of interest the present Government evinces in mitigating the sufferings of the people of Zaskar who, due to geographical and administrative factors, are beyond the pale of civilising influences.

4. I would now like to apprise the Commission of the discussions which took place with the Chief Minister and his Cabinet colleagues regarding the most vital demand of the Ladakhis for the grant of tribal status to them. This issue has been hanging fire since 1980 and it has already cost two precious lives. The Government of India announced its decision on April 19, 1983 to grant tribal status to the entire people of Ladakh in view of their backwardness, distinctive life style, etc. As the matter stands, the ball is in the court of the State Government and all that it has to do is to initiate action for issue of a Notification by the President of India under Article 342 of the Constitution. The discussion of this issue necessitated two emergent Cabinet meetings and several joint meetings. The Chief Minister had assured us that the demand would be conceded before we left the State Capital. But when the matter was almost finalised and after our departure for Leh, certain elements in the Cabinet changed their earlier stance for irrelevant considerations. I have already communicated my unhappiness to the Chief Minister about this and I am awaiting his response. I shall apprise the Commission of future developments with regard to the problem and those of Zaskar. In the meantime, this Report may kindly be placed before the Commission for its information.

Sd/-
(Kushok Bakula)
19-10-1984

ANNEXURE XXVII
(Ref. Ch. IV, Para 4.13)

REPORT ON THE VISIT OF THE MINORITIES'
COMMISSION TO THE REFUGEE CAMP AND
MOTA SINGH SENIOR SECONDARY SCHOOL,
NARANG COLONY, WEST DELHI ON 14-11-1984

1. The visiting team consisted of the following :

1. Mr Justice M.H. Beg	Chairman
2. Gyani Sujan Singh	Member
3. Shri N.F. Suntook	Member
4. Smt. Annie Thayil	Member
5. Shri Q M. Ahmad	Secretary
6. Shri S.K. Jha	Joint Secretary
7. Shri N S. Bhatia	Deputy Commissioner for Linguistic Minorities.
2. At the Camp, among others, the following organisers of the Camp conducted the Commission around the Camp and apprised it of the factual position :
 1. S. Rajinder Singh Monga,
President (Camp)
(Member, Gurdwara Prabandhak Committee, Delhi)
 2. Prof. Jawant Singh Jas,
Secretary,
Mota Singh School.
 3. Sardar Partap Singh Sethi,
Cashier (Camp)
 4. Shri N.N. Chadha,
Secretary,
Narang Colony,
and Camp Secretary.

It was stated that in the Camp, which had a population of 1800, there were 27 widows, 20 orphans and 80 persons whose hair and beards had been cut. A driver, named Dalip Singh,

had been asked to drink petroleum and was then burnt alive. The names of a few widows, who presented themselves before the Commission, are mentioned below :

1. Kulwant Kaur w/o Pritam Singh Kalsi, burnt alive on 2-11-1984, resident of RZ/56, Vinod Puri, a colony about 3 Kms from the Camp.
2. Lalita Kumari w/o Surat Singh, K-Block, Mangole Puri.
3. Harjeet Kaur w/o Puran Singh, who was killed and whose house was burnt.
4. Widow of S. Darshan Singh, killed and burnt alive in Gurdwara Kalgidhar Singh Sabha, Uttam Nagar; she has 4 orphaned children.
5. Kulwant Kaur w/o Sardar Ranjit Singh, Mangole Puri.

3. The Camp residents stated that the milk supply had been stopped since 13-11-1984. There was also no water supply on 13-11-1984. The supply was restored on 14-11-1984. The food in the Camp is being supplied by voluntary organisations. The afflicted persons further stated that they had come from the neighbouring villages, some of which are mentioned below :

Binda Pur, Matualia, Hasthal,
Palvi, Sagar Pur, Pulam Village,
Newada.

They added that they were still being threatened by the guada elements and were so much afraid that they could not think of returning to their homes. It was also mentioned that a truck belonging to S. Amrinder Singh of Uttam Nagar had been burnt near the school and 11 persons had also been burnt alive in one house.

4. S. Rajinder Singh Monga, President of the Camp, stated that the food and other supplies to the Camp were being stopped by the Authorities and the telephone facility at the Camp had also been restricted and it appeared that the Authorities were adopting coercive methods to compel the residents to disperse from the Camp. He also pointed out that Sardar Dilip Singh, President, Gurdwara Tagore Garden and Member, Gurdwara Prabandhak Committee, had been detained under Sections 107/141 since 1-11-1984, and was still in Police custody whereas

the culprits responsible for perpetrating atrocities had been let off by the Police.

5. The Commission was then taken to the residence of Prof. Jas for a meeting. Besides the organisers, a few residents of the Camp also participated. They pointed out that although about 10 Policemen were present at the time of the mob violence, no arrest was made and no method of any kind whatsoever, such as lathi-charge, tear gas, firing, had been resorted to to disperse the mob.

6. It was further stated that the Narang Colony consisted of about 110 houses. It had been built by a Co-operative House Building Society. Many members belonging to both communities, i.e., Hindus and Sikhs, were related to each other. There had been no attack on the Colony itself. The people in the Camp had come from 39 other Colonies and peripheral villages. So far out of 1800 residents of the Camp, only 100 had left the Camp and the remaining 1700 people were still there. While the milk supply from the DMS/Mother Dairy was initially free, it had now been stopped. Even the water supply had been reduced from 3 tankers to one tanker now. In spite of the pressure tactics for compelling the residents to leave the Camp, the refugees still wanted to stay there as they were terribly afraid of returning to their homes and had no other place to go to.

7. It was further mentioned that there were a few more Camps in the neighbouring areas which had about 1500—2000 families with a population of about 6000.

8. It was further stated that the supplies for the Camp were being received from Gurdwaras, Sikh Organisations, Red Cross and Relief Centre of Janta Party. The supplies offered by Government and semi-Government Bodies were not being accepted as they nursed the feeling that the Government machinery was responsible for their fate. They said that the Sikhs had been killed, injured and looted. In this violence, they had even killed 9 military officers travelling in first-class at Ghaziabad Railway Station and even a Sikh Superintendent of Police had been killed. No Sikh had been spared regardless of the fact whether he was loyal to Congress and whether he was an industrialist, businessman, Government servant, skilled labour, driver or truck owner, etc. It was alleged that several rapes had been committed on helpless women.

9. They stated that the present acts of barbarism far exceeded and eclipsed the inhuman acts of violence witnessed

at the time of Partition of the country in 1947 and also the atrocities committed during the raids by Babar and Changez Khan. In regard to a query about jubilation by some Sikhs after the assassination of late Prime Minister, Sri Sethi, the Hindu Secretary of the Camp, stated that in the Colony, there were 85 Sikh and 15 Hindu families and he emphatically denied that there had been any illumination by the Sikh community. It was explained that on the eve of Guru Nanak birthday, which this year was on 8-11-1984, the Prabhatpheris are taken and the snacks and tea is served traditionally every year. As no Prabhatpheri was taken out on the morning of 1-11-1984 due to the assassination, the snacks which had been arranged on the previous night were distributed among the poor near Gurdwara. This has been given a mischievous twist and a false rumour was spread that this distribution had been done as a mark of jubilation.

10. They alleged that the whole thing appeared to have been carried out in a pre-planned manner to demoralise the whole Sikh community economically, socially, educationally and in all other spheres of life. They put the blame squarely on the ruling party.

11. It was further alleged that the FIRs lodged were being manipulated by the Police and being given a colour of violence between mobs of both the communities whereas the violence had been inflicted on the minority community only. The FIRs were recorded wrongly so that the cases may not stand on the technical grounds before the Courts. Further, the persons rounded up for violence had been released on nominal amounts of bail. It was further mentioned that a number of refugees, who had been compelled to leave the Shakarpur Camp, have taken shelter in Rajauri Garden Gurdwara. It was also mentioned that the Gurdwara in Uttar Nagar had been desecrated and, thereafter, converted into a temple.

12. In the end, the representatives of the organisers and residents of the Camp stated that they needed help on the following matters :

- (1) As the residents were afraid to leave the Camp till their safety was ensured to their satisfaction, the supplies and facilities available at the Camp should not be curtailed.
- (2) The refugees should be allotted quarters by the Government or separate Colonies should be constructed for them as they could no longer think of returning

to their isolated homes in peripheral Colonies and villages.

- (3) The Police should give them fair treatment and provide full protection to infuse confidence in them.
- (4) Sardar Dalip Singh, President, Gurdwara Tagore Garden, who had been detained since 1-11-1984, should be released forthwith.

13. The Commission was thereafter taken to the Mota Singh Senior Secondary School, which is situated on Mota Singh Marg and adjacent to St Francis Diocesan School. The whole interior part of the building had been burnt completely including the class-rooms, Principal's office, the Gurdwara, the laboratories and the records and furniture. The burnt rooms presented a site of emptiness and small heaps of ashes. The Matador standing just in front of the building was completely burnt and lot of small glass pieces lay scattered at the entrance. Prof. Jas, who is Secretary of this School, which is run by a Trust and which was having 1750 students, stated that the whole destruction had been inflicted by the mob.

A list of culprits, who indulged in arson, looting which was handed over to the Commission, is attached as Appendix.

APPENDIX

List of Culprits who indulged in Arson, Looting, Killings and other Violent Crimes as reported by the Evacuees of Narang Relief Camp.

Colony	Culprit
1	2
1. Jiwan Park	1. Bhatia Property Dealer, Jiwan Park. 2. Chaudhary Tent House. 3. Sonu Property Dealer, Jiwan Park. 4. Janma Pardhan, Jiwan Park 5. Moti Ram Tailor. 6. Gudu Oil Ration Depot Holder. 7. Sat Paul, RZC, 123.
2. Najaf Garh	1. Kapur Singh, Durga Ice Factory. 2. Sant Ram, D.T.C. Employee, Mohalla Chamaran, Roshan Pura Old. 3. Kuldip Singh, Dharampura Colony.
3. Nahna Park (Uttam Nagar)	1. Tara Chand Patwari. 2. Mohinder S/o Tara Chand Patwari.
4. Raghu Nagar Dabri.	1. K L. Kapoor.

1	2
5. Uttam Nagar	1. Sahib Singh Neta. 2. Rajinder Kumar Ration Depot. 3. Kunji Halwai, C Block J.J. Colony. 4. Mukesh Sharma. 5. Rajinder Sharma of Congress Party
6. Mahabir Enclave	1. Karma Kabri.
7. Asalatpur & Bindapur	1. Ch. Ajit Singh, Pardhan Bindapur. 2. Master Raj Singh, Asalatpur. 3. Daulat Ram, Property Dealer. 4. Bharat Bhushan. 5. Dharampal, Bindapur.
8. J J Colony Hastal	1. Subhash Mother Dairy. 2. Babbar Cranewala. 3. Bhima, C-Block. 4. Naresh, C-Block. 5. Dr. K.P. Chaudhry.
9. Mangolpuri	1. Shanti Sarup, Q-5. 2. Kalia, Q-6/150. 3. Shanker Lal Q-7. 4. Shambu Ramu, Tea Stall Holder. 5. Goverdhan, Q-4. 6. Sewa Ram Oil Depot. 7. Bhim Singh & Danesh, Gali No. 8.

1	2
10. Indira Park . . .	1. Dcepak S/o Ved Prakash, near Pali Factory.
11. Vikas Vihar, Q-Block. . .	1. Bihari, Behind Namkin Bhandar
12. Parjapat Colony . . .	1. Shri s/o Master Ved Prakash (Rationwala) 2. Ch. Ajit Singh Pardhan & his Nephew. 3. Hans Raj b/o Havaldei 4. Romesh Kumar, Haijan Colony.
13. Sham Park . . .	1. Ration Depot Holder of Hanuman General Stores.
14. Nawada . . .	1. Pandit Parkash and his Son.
15. Jiwan Park . . .	1. Dr. B.D. Pandey and his Son (Son is running a cycle shop). 2. Bhabban, Jiwan Park.

ANNEXURE XXVIII
(Ref Ch. IV, Para 4.13)

REPORT ON THE VISIT OF THE MINORITIES' COMMISSION TO GURDWARA, NARAINA VIHAR AND INDUSTRIAL AREA, NARAINA (WEST DELHI) on 15-11-84

1 The Commission and its Officials, whose names have already been mentioned in the preceding Report, visited Gurudwara Singh Sabha, Naraina Vihar. They were received by Sardar Hari Singh, President of the Gurudwara, S. Manohar Singh, an ex-President of Gurudwara, S. Harbans Singh, Manager of Gurudwara, S.H.S. Chawla, Dewan Singh Kalsi and a few other Sikh representatives.

2 The Commission noticed that except for the brick and mortar structure, which bore the marks of smoke, the building of Gurudwara had been burnt completely. In a room adjoining the main hall of the Gurudwara, a heap of ashes was found lying on the floor where an additional volume of Guru Granth Sahib used to be kept for reading and prayer by the devotees. The next room contained a broken steel almirah containing some burnt papers. In these rooms, the burnt fans with twisted blades were still hanging from the ceiling.

3 The Sikh representatives stated that the mob from the nearby Naraina village had set the Gurudwara on fire after looting all the articles, including the cash box, on which they could lay their hands. Three persons had been burnt alive and six severely injured. Ten volumes of the Holy Granth Sahib were destroyed by fire. The equipment and furniture of the School and the Dispensary functioning within the premises of the Gurudwara were also looted and destroyed. The looted property included 4 clocks, 150 sets of steel utensils, each consisting of one thali, one katori and one tumbler and several other articles such as carpets and dorees, quilts, blankets, pillows and bed sheets, etc. These utensils and articles were used for social functions and were made available free of any charge to the residents of the colony irrespective of their caste or creed. The destroyed equipment included one Water Cooler, 2 Air-Coolers, 1 Refrigerator, 6 Ceiling Fan, 1 Public Call Telephone, Furniture, etc. A

Community Kitchen was run in the Gurudwara where food was served to the poor and visitors daily. All the utensils, provisions, etc. of this kitchen had also been looted.

4. The representatives complained that even though 10 Policemen with rifles were present, they did not take any action to prevent the mob from arson and looting. A FIR had been filed with the police, but no action whatsoever has been taken by the S.H.O. On being asked as to who were the persons behind the mob violence the representatives expressed their reluctance to name the individuals but stated categorically that the mob had been incited by the local leaders of the ruling political party. They contended that it was for the Government to locate and punish the culprits.

5. The Commission observed that some repair work was being carried out in the building. It was indicated that this work was being done by the D.D.A.

6. Thereafter, the Commission was taken around the Naraina Industrial Area, Phase I, and shown some of the large factories belonging to the Sikhs which had been completely burnt, looted and destroyed. Their details, as given by the respective owners, are as follows:—

6.1 (i) Name of Factory	M.S. Chawla & Co.
(ii) Name of owner	Sardar M.S. Chawla and H.S. Chawla.
(iii) Location	Two large buildings at A-40 and A-41, Naraina Industrial Area, Phase-I.
(iv) Items manufactured	Components of sophisticated electronic goods.

It was claimed that the quantity of one of the items manufactured by this company was of the order of 40% of the total production in the whole of India. In respect of 3 electronic items, this Company was pioneer in the country.

(v) Vehicles burnt	3 Cars and 1 Matador.
(vi) Estimated loss	Rs. 2.5 to 3 crores.

It was further mentioned that the tax paid by this Company to Govt. was of the order of Rs. 10,000 per day. The telex, telephones, the manufactured material.

finished products, furniture and everything had been totally burnt/looted. The building was found to have been completely destroyed by fire. Only the blackened walls and roofs were left standing

- | | |
|-----------------------|--------------------------------------|
| (vi) Establishment | 400 employees (Now rendered jobless) |
| (viii) Insurance | Nominal |
| (ix) Bank loans taken | Nil |

6.1.1 The owners alleged that the mob responsible for looting and arson consisted of 3000-4000 persons. Though the persons who incited or led the mob were not named, it was stated that this was obviously the work of the local leaders belonging to the ruling political party. If the Government wanted, the actual culprits could be identified easily. It was further stated that the mob did not include any workers of the factory but consisted of outsiders. They were equipped with lathis and sticks and other weapons. The Police was called but they told that no force was available and they could not do anything. The burning and looting went on for about two hours after 3.20 P.M. and the fire continued upto late in the night.

6.1.2. It was further mentioned that some of the security guards, who were stranded on the roof of the factory building, were rescued around 10.00 P.M. by the efforts of Shri O.P. Wadhwa, Member, Delhi Municipal Corporation and Shri Subhash Arya, Member, Metropolitan Council, belonging to BJP, who had come for help with about 25 persons.

6.2 It was also pointed out that out of hundreds of factories in the area, only 8-10 large units belonging to the Sikhs had been made the target which clearly indicated a pre-planned conspiracy and systematic attack.

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|---------------------------|--|
| II. (i) Name of Factory : | Supreme Electronics |
| (ii) Name of owner | Sardar Inderjit Singh |
| (iii) Location | B-102, Naraina Industrial Area, Phase-I. |
| (iv) Items manufactured | Electronic goods including Micro-motors, Tape Deck mechanism, etc. |
| (v) Estimated loss | Rs. 30 lakhs |
| (vi) Establishment | 160 employees |
| (vii) Insurance | Rs. 4 lakhs. |

6.2.1 The owner mentioned that the factories belonging to the Sikhs were about 15 per cent of all the factories in the area and the population of Sikhs was about 10 per cent of the population in Naraina. None of the factories belonging to the Hindus had been affected. It was difficult to identify the person who had organised the mob. The neighbouring Hindu factory owners had tried to save but their efforts failed. The mob came in 3 waves—the first consisted of 300-400 persons around 12 noon, the second which was bigger at about 2 P.M. and the third which was much larger and uncontrollable at about 3.30 P.M. The mob seemed to include professionals because everything in the factory had been destroyed completely and systematically and except for burnt equipment and heaps of ashes, nothing else was visible.

6.2.2 It was further stated that the house of the brother of the factory owner, Sardar Jasbir Singh Sodhi at 3-10, Residential Area, Naraina, had been completely looted by the mob.

- | | |
|-------------------------|--|
| 6.3 (i) Name of Factory | Tagore Industries. |
| (ii) Name of owner | Sardar Jamiat Singh. |
| (iii) Location | C-112 Naraina Industrial Area,
Phase-I. |

The Commission was informed that the old person named above was a freedom fighter. He was present alongwith his grand son but he could not indicate the amount of loss to his burnt factory nor give any further details. He stated that the collar bone of his son had been injured by the mob.

- | | |
|-----------------------------|---|
| 6.4 (i) Name of the factory | Kalsi Company. |
| (ii) Name of owner | Sardar Dewan Singh |
| (iii) Location | C-106, Naraina Industrial Area,
Phase-I. |
| (iv) Items manufactured | Radio cabinets, T.V. cabinets,
Test equipments, Rubber and
Plastic goods. |
| (v) Estimated loss | Rs. 5-6 lakhs. |
| (vi) Establishment | 25 employees. |

- 6.5 (i) Name of the factory : Kanwar S.M. Company
(Kasmic T.V. Brand)
Kasmic Enterprises.
- (ii) Name of owner : Sardar Hari Singh & Sons.
- (iii) Location : C-126, Naraina Industrial
Area, Phase-I.
- (iv) Goods manufactured : T.V., Tape records, Two-in-
One, Tape deck mechanism,
Plastic moulding cabinets, Pic-
ture tubes & other T.V. compo-
nents, etc.
- (v) Estimated loss : Rs. 1.5 to 2 Crores.
- (vi) Establishment : 350 employees.
- (vii) Insurance : Nominal

The three-storeyed building containing several departments was found completely gutted. Except for the burnt walls and roofs which bore the marks of smoke and heaps of ashes on the floor, nothing could be seen in any of the rooms in the large building of this factory.

The owner stated that the finished and semi-finished products had been looted and, thereafter, the factory was set on fire. The mob had come after burning the Gurudwara. The house of the owner, Sardar Hari Singh at No. A-19, Naraina Vihar, had also been looted and burnt. Three cars, one tempo and two motor cycles belonging to this Company had also been burnt/destroyed completely.

**TALK BY MEMBER, MRS. ANNIE THAYIL, TO THE
PRINCIPALS OF CHRISTIAN COLLEGES ON 31ST
DECEMBER, 1984 AT STELLA MARIS COLLEGE, MADRAS
ON MINORITIES' RIGHTS & RESPONSIBILITIES**

1. It is the subject I have to touch upon. It is indeed of very great importance to our country. Dictionary defines 'minority' the smaller number and 'majority' the greater.

2. Minorities can basically be grouped into two :

1. Religious Minorities.

2 Linguistic Minorities

But for all practical purposes, there is one more, that is counted as a minority. That is SC and ST. They are there for historical and ethnic reasons. But in counting, they are grouped along with the Hindus.

3. These minorities, by and large, are found in almost all the countries. It is very rare in the modern world to find a country all of whose citizens profess the same religion or speak the same language. But all these diverse groups do live and have to live in the same country.

4. Although they believe in different religions and speak in different languages, yet a common feeling binds them together—that they belong to the same country. Thus differ they do on many but agree on one—the fundamental.

5. Now coming to India. This is a country where we have all sorts of minorities. Recognised religions are 11 in number, out of which, atleast, 8 are here—Hindus, Sikhs, Buddhists, Parsis, Jains, Jews, Christians and Muslims.

6. Out of this 8, atleast 7 are religious minorities. I think we have enough of it to beat any other country in the world. There is no dearth of languages too. Almost every State comes up with its own language. There are 15 languages included in the VIII Schedule of our Constitution.

7. The concept of democracy we know very well. Democracy is the best practicable form of Government, if not the ideal one. Therein, the interests of the people of the country have to be given due weightage. They have to be equal in the eyes of law. It is not enough if it is just said. It is to be enjoyed. There crops up the difficulty. To solve it, two factors have a part to play. First, the Constitutional provisions should be there. Only the teeth of law will bite. Quite sharp they are. Look at the Articles 14, 15, 25, 26, 28 and 30 of our Constitution. They give us all the legitimate rights. These Articles are :

14. Equality in the eye of law
15. No discrimination in the name of caste or religion.
25. Right to practice and propagate any religion you like.
26. Right to establish and run their own educational institutions.
28. Freedom to give religious instructions in the educational institutions. This is no bar to get Government grant.
30. Based on religion or language, to establish and administer educational institutions of their choice. State can not discriminate in the grant of aid.

8. In addition to this, we have the 15-point Programme of the late Prime Minister, Smt. Indira Gandhi. She has given specific directions to the authorities concerned to give due relief to the minorities.

9. So law is there. But one thing we should understand. The clear provisions in the Constitution and strict instructions to the authorities won't be sufficient to solve the problem. To enable the minorities to enjoy them, we have to see that they are put into practice. It is for this reason that the Commissions are set up. Ours is based on religion; there is the Commission for SC and ST, and the third one for the linguistic minorities.

10. This way the Government, in fact, is doing all what it possibly can. But still we don't reach the goal. The way of it is quite evident. It is because the people, both the majority as well as the minority fail to do their part of the work.

11. Of all the 3 minorities mentioned above, religion is the most sensitive one. It is that what has done the havoc in the country. Gandhiji was shot at because he was too tolerant

in the eyes of a few fanatic Hindus. Indiraji was shot at because she was inexcusably misunderstood by the fanatic Sikhs.

12. The religious minorities alone comes to nearly 17 $\frac{1}{2}$ % of the population of India. For the successful working of democracy, we have to realise our responsibility. India is a Hindu country. One should not forget that fact. It is just because of that, our Constitution gives so much of protection to the minorities. The idea herein is very clear. Just because we are a minority, we should not suffer. And if we don't appreciate that and start attacking others, how can there be peace in the country, leave alone democracy. The majority also should realise that the minorities have a legal right to live in this country peacefully. Thus this spirit is warranted from both the sides. Our idea must be to be one with the national main stream. It requires the dissolution of rigidity—and that on both sides. of course. Rigidity will be the breeding ground for intolerance. The intolerance invites counter intolerance.

13. All can not agree on all points. That is a big fact. The children of the same parents are not able to agree each other on all points. Then how can you expect people who believe in different religions, speak different languages, belong to different castes and races to agree on all points? Spirit of tolerance is essential. A sense of give and take is imperative. If it becomes a necessity in a family, how much it should be so in a country where people of diverse interests live together; otherwise democracy can never work successfully in a country.

14 By this, I don't mean that minorities should hold a subservient attitude. Certainly not. We should stand for our rights. We should fight for our legitimate share. At the same time, we should remember that we have got a duty to contribute our share for the betterment of our country and thereby strengthen democracy. If we get, we have to give. As minorities, we get a lot. Should we not give? It is only just and proper. Individually all of us are intelligent. But when we come together, it is a pity that we sometimes act as fools.

15. As a Christian, I am proud to say that we have tried our best to contribute as much as we can for the betterment of our country, particularly in the field of education, medical care and social works. Sikhs, I understand, stand in the forefront in agriculture, industries—big and small—and, above all, defence. If we, citizens of India and that we are, do sincerely try to direct our skill and energy and, above all, our good will, we can convert India into a paradise and a first class model of democracy.

16. We can certainly do that if the "brotherhood" feeling is amongst us. Brotherhood—this sweet word—is put in Part IV A of our Constitution. Are we not actually brothers. The Christian religion, it is agreed, is not of the Indian origin. But our blood is Indian. We are all converts from Hindus. We are only proud to say that we are very much Indians, in flesh and blood, Indians.

17. It is a pity that the main target of fight is religion. The Fatherhood of God and Brotherhood of man is the moto of all religions which tell us to love each other but we are used to hate each other. Is it not a pity? If we go at this rate, I am afraid, a day will come when we will be compelled to admit that we are not fit for democracy. Should we pull us down to that state? I think our minorities have to very seriously dwell upon this.

18. Before I conclude, I would like to make a few suggestions. When we turn to our rights and responsibilities, I think these will fit in.

19. My first suggestion is regarding the rights of the community. I would like you to look into this. We are the second minority in India. Out of the total population, Hindus form 82.72%. As I said above, SC and ST are included in this number. The balance of 17.28% form the minorities. Muslims are the biggest minority. They are 11.21%. We, Christians, stand second; we are 2.60%. Then comes Sikhs—1.89%, Buddhists—0.70%, Jains—0.47%, Parsis—0.01% and others—0.40%.

20. Law has brought in a great hurdle in the case of conversion. SC & ST, we know, enjoy lots of privileges. The moment one of them gets converted to Christianity, he or she loses all the privileges. Our Constitution, you know, was passed in 1950. In 1955, the Sikhs fought against this provision. They said that if a SC or ST becomes a Sikh, he or she should not lose the privileges. According to Article 341 of the Constitution, the President has the power to amend this provision—and he did it as far as Sikhs were concerned. So now, if a SC or ST gets converted to Sikhism, he or she does not lose the privileges. He gets all. The Sikhs are only 1.89% and we are 2.60%. But we have not got this right. For that matter, no other minority community gets this. Only the Sikhs enjoy. This is a clear case of discrimination.

21. We have to take this up very seriously. It is not a new idea. Many have tried to take it up but not succeeded. I

think a concerted effort has to be made. I had a talk with the late Prime Minister about this. She agreed with my idea and said that this has to be redressed. There is a decision of Supreme Court (1982 December 12) that the caste will not change with the religion. This Association of the Principals of the Christian Colleges have to take it up very seriously and see what can be done in this matter. It affects us most. We do believe in conversion. We were asked to do it by Jesus Christ. How your Association can take it up you have to decide. You are a big body. So your responsibility also is big.

22. My next suggestion is about teaching Hindi. More than 1/3rd of the people of India use this language to be exact—it is 38.4%. Hindi is the spoken language of not less than 8 States . 1. Andaman & Nicobar Islands 2. Haryana 3. Himachal Pradesh 4. Uttar Pradesh 5. Madhya Pradesh 6. Rajasthan 7. Bihar and 8. Delhi.

23. Recognised languages are 15 as included in the VIIIth Schedule of our Constitution. And no language comes anywhere near Hindi. I do not say in development but in usage. In development, according to the Sahitya Academy, the Bengali comes first and the Malayalam second. For your information, I can give you the complete percentage picture of other language: Telugu and Bengali have the same footing—8.7%; then 4. Marathi—7.6%; 5. Tamil—6.9% 6. Urdu—5.2% 7. Gujarathi—4.7%; 8. Malayalam—4.0%; 9. Kannada—3.9%; 10. Oriya—3.6%; 11. Punjabi—2.5%; Assamees—1.7%; Kashmiri, Sanskrit is the least spoken language.

24. I do not say that Hindi will spread to other States as a spoken language. Nor do I wish it. But one thing is sure. It will be established as the National Language of India. So it is even now. What I mean is, surely it is going to become stronger. We, South Indians, have an aversion (excuse me for using this word) for Hindi. I can understand that. I for one have got it. But I know it is not correct. We have to have a National Language and so Hindi is to be encouraged. It is in the interest of your young men and women. I say yes to it.

25. Our Institutions have very great reputation. All know that we teach well and maintain better discipline. It is what parents want. No wonder students rush into our Institutions. As Christians and as a minority, I think we have a double responsibility to the nation, to the country and the people at large. They should realise that we are above board. This fact, let us not forget.

**CHAIRMAN'S REPORT ON CHAIRING THE SESSION OF
INDIAN SCIENCE CONGRESS HELD AT LUCKNOW ON
THE "PRESERVATION OF CULTURAL AND PHYSICAL
HERITAGE" ON 7TH JANUARY, 1985**

1. It appeared from my experience at Lucknow at the Anthropological Session of the Indian Science Congress held at Lucknow, which I had to chair on 7-1-1985, that our social scientists are very much interested in contemporary problems

2. It is true that a learned Professor, Dr. Sarana, gave an illuminating account of the controversies amongst modern anthropologists and sociologists about definition and about methods of study of social phenomena constituting cultural heritage. But, he seemed to object to the ordinary scientific methods of induction and deduction as applied to social realities. He seemed to think that, when study of physics is passing into metaphysic (e.g. in the "Tao of Physics"), a convergence between scientific reasoning and inspirational methods is taking place. The Sociologists and Anthropologists must adopt new methods of study. However, he did not indicate what the new methodology should be. Speaking for myself, I adhere to the methods proposed by me in "Guidelines for Investigators" of the Minorities' Commission. These are based on an acceptance of inductive and deductive methods of study which are common to both Social and Natural Scientists.

3. Dr. Sarana's distinction between what "culture" meant to the social anthropologist and to an archaeologist, such as Dr. Burkitt, appeared to me (I had attended Dr. Burkitt's lectures) should, I think, be accompanied by the explanation that Dr. Burkitt was using the term in a restricted and special context and sense which is very relevant for Archaeologists. But, Anthropologists use it in the more general sense of including "material" as well as "psychological" culture.

4. The methodology of induction and deduction is shared by all branches of Anthropology as well as by Sciences like Physics

and Chemistry. Formulations of laws and juristic reasoning should also take place after such scientific investigations and analyses. Social engineering has to use methods akin to those of Physics and Chemistry, although it is true that social realities and theories are not capable of being tested in a laboratory in the same way as physical and chemical theories can be.

5. Sir James Frazer, in his voluminous book "Golden Bough" (running into over a dozen volumes, of over 1000 pages each) has opined that primitive magic and religion contain a lot of pseudo-science. Science must avoid pseudo-science.

6. Studies of the functional School of Anthropology, such as those by Durkheim, and, more recently, of Malinowski, have indicated how studies of primitive societies, such as those of our tribal people, help in determining the functions of various aspects of cultural lives of advanced people. Anthropologists have not given up their right to study modern society. There are several reasons generally given for approaching the study of man from the primitive angle firstly, the primitive is likely to disappear unless its study is carried out in time; secondly, one may point out that understanding is easier if we approach the more complex societies after studying simpler ones, and, thirdly it was sought to be made out that study of cultural configurations has a value of its own. Indeed, some Anthropologists, like Prof Pitt-Rivers, in "Clash of Cultures and Contract of Races" points out that the work of missionaries has done immense harm to primitive societies. They believe that by destroying the primitive "zest for living" or "clan vital", as a Bergesonian may call it, it has affected their reproductive propensities and led to depopulation.

7. I do not know to what extent the thesis of Anthropologists like Prof. Pitt-Rivers is correct. But, I would certainly not go so far as to accept another thesis which I heard a learned professor advance at this Conference, that humans ought to breed as much as possible to meet the danger of an extinction of the human race by an outbreak of a nuclear war. One need not be a Malthusian and look upon warfare and disease as blessings in disguise or advocate unlimited human breeding like the learned professor, whose theories could delight imperialistic expansionists like Mussolini. Such views cannot appeal to scientists who employing the well established methods of induction and deduction to observable facts, can predict the disastrous consequences of uncontrolled birth rates. Western nations have learned to check excesses in this respect. When and how will we be able to do it? Social Scientists should provide answers.

3. My own approach to the study of societies, either primitive or modern, is certainly affected by the Functional School of Anthropology which dominated social studies when I took Anthropology and Archaeology for a Tripos at Cambridge in 1931. Nevertheless, I have a feeling that the efforts to merely preserve certain primitive cultures, particularly primitive methods of cultivation of production or social, economic, and legal organizations for the sake of their preservation only have been, at least in the past, sub-servient to the colonialism of imperialist powers. Change as a basic law of human culture must take place. Its direction can be and should be guided by Social Scientists.

9. Modern Anthropologists and Sociologists must adopt the more dynamic and bolder approaches in their work. They have to take into account the realities of the modern world of nuclear arms, race and tragic catastrophes such as the recent one at Bhopal. Social realities and attitude as well as the physical factors of environment affect development of societies. Indeed, it has been said that pollution of the environment may produce disasters, including mental ill health, which may seriously affect the future of human society. Therefore, our efforts must be directed toward discovering the reasons of mental and physical ill-health which have to be prevented. Laws are not enough. But, they should help to achieve social, economic, and political health and to serve the objects of "Justice: Social, Economic and Political, Freedom of conscience, belief and worship, and Equality of Status and opportunity, and, Fraternity of all assuring the dignity of the Individual and Unit of the Nation." In other words, the objectives underlying our Constitution are not irrelevant for Scientists.

10. All social, economic, and political factors shaping the future of our society must also be studied scientifically by modern Anthropologists to redress the imbalance produced by excessive concentration on technological progress and study of physical phenomena.

11. These were the views I expressed at the Conference. It seems to me that specialists were quite appreciative of my contribution to their thinking.

**REPORT OF THE CHAIRMAN ON THE EDUCATIONAL
AND CULTURAL CONFERENCE OF THE PUNJABI
ACADEMY, LUCKNOW**

1 The Chairman attended a Conference of the Punjabi Academy at Lucknow on the 12th January, 1985, and was apprised of what the Punjabi Academy considered essential for educational and cultural progress of those speaking the Punjabi language. The Chairman was asked particularly to give advice to the Academy on 3 matters. (1) the place of media in promoting National Integration, (2) the place of the individual vis-a-vis his group or community, and (3) effect of text books, particularly passages, containing mis-representations or articles on religious, cultural and ethnic groups other than those of the writer.

2. So far as the media was concerned, the complaint seemed to be that there is considerable misrepresentation in the media about what are really the aspirations of the Punjabis. According to Shri Sujan Singh the Chairman of the Academy, the media tended to ignore the people who really counted with the Punjabi and gave importance to other who claimed to speak for the Punjabis. He also said that the Punjabi language ought to be given a place in the educational curricula of State-run schools where Punjabi children study.

3 It was explained by the Chairman that there was a three-language formula and certain rules prescribed by the Government for teachers of particular regional languages. And, if a minimum number of students, who desired a particular media of instruction, were available, a teacher could be appointed to teach that language. If this was not done in accordance with rules, complaints could be made to authorities concerned. It is only where such representations were rejected that the Minorities' Commission of India would take notice of a grievance.

4 However, the Chairman assured the Members of the Academy that the measures to protect their cultural and linguistic rights will be duly communicated to authorities concerned if they brought them to the notice of the Minorities' Commission

of India in writing. He also said that the Chairperson of the Minorities' Commission of Uttar Pradesh was there. She could also look into their grievances. Before specific particulars were given to the Minorities' Commission of any injustice suffered by linguistic or religious minorities, the Commission could hardly suggest measures for resolving the problem. He was glad to get an assurance from the Chairman of the Punjabi Academy that specific instances will be placed before the Commission so that it could go into the cases pointed out. The Commission was concerned with cases of unjustifiable discrimination. Violation of rules in a case would raise such an inference. But, violation of rule had to be shown before such an inference could arise.

5. The Chairman agreed that the media could misrepresent cultures and religions. He said that the Minorities' Commission would certainly like to obtain information of instances of such misrepresentations so that they could be pointed out to erring persons. The Commission had recommended that the District Authorities may take steps under the provision of law, such as Sections 153A, 153B and 153C of the I.P.C. if attempts were made to spoil relations between classes or communities, on religious grounds.

6. Allied to this matter was the whole question of appropriate text books for giving a wide nationalistic outlook to children. The requirements of universalism and humanism could not be overlooked. They have to be emphasised. Any derogatory references to particular religions or their leaders had to be eliminated from text books. The Minorities' Commission of India had already taken certain steps to ensure that this was done.

7. So far as the role of the individual vis-a-vis his group was concerned, the Minorities' Commission in its Reports had suggested that the individual worth and identity should count with everyone and not depend on his group identity which often introduced an unjustifiable bias or prejudice against or in favour of certain individuals. The worth of each person should be determined by his or her service to National Integration or to common welfare. If the public applied correct tests, good individuals would count. Education of people on right lines provided the key.

8. The complaint of the Academy seemed to be that people, who do not command respect, are often given false importance by the sections of Press swayed by unworthy considerations.

This reflected on the integrity of the Press. It was the duty of the individual too to see that the Press was impartial and honest. But, at the same time, individuals have to abstain from committing offences like defamation or contempt of Court. The individual has also to observe legal norms even in trying to project himself as a benefactor. But, most important for the selection of correct individuals as leaders, is a realisation of what was beneficial to the nation. The Minorities' Commission of India has been emphasising the interdependence of the interests of all groups which should produce National Integration.

9. So far as the role of politicians was concerned, the Chairman said that the reputation of politicians had suffered due to the misdeeds of some of them. Indeed, amongst political leaders were great leaders of high integrity and patriotism. Mahatma Gandhi, Pandit Nehru, and late Prime Minister, Smt. Indira Gandhi also took part in politics.

10. The public was in the best position to deal with erring politicians by rewarding those who stand for National Integrity and welfare and punishing those who stand for divisiveness and disregard national good. Hence, the need for proper development of correct standards. The Minorities' Commission of India had been recommending this.

ANNEXURE-XXXII

(Ref. Ch. V., para 5.5)

COPY OF LETTER DATED 4TH JULY, 1984, FROM SHRI M. A. QURAISHI, ICS (RETD.), LUCKNOW ADDRESSED TO SHRI BRAHMA DUTT, MINISTER OF FINANCE, GOVT. OF U.P.

I am glad to learn that the U. P. Government recently set up a 'Minorities Panel' under your Chairmanship. The two main issues, which are causing grave concern amongst the Muslims at large, relate to the declaration of Urdu as 'second language' in U. P. as promised in the Manifesto of Congress (I) and lack of "employment opportunities" as seen in the results of not only the Higher Services in Government, Public Sector Undertakings, the Nationalised Banks but also in Lower Services, both Civil and Military

On both these matters, I have written letters to the Editors which have been published in "The Pioneer" and 'Northern India Patrika', Lucknow. On the second language issue, I have given photostat copies of my three letters published in "The Pioneer" during the months of May and June to the Chief Minister, U. P. when I had the pleasure to meet him on June 18th, 1984 with the request to pass them on, after his perusal, to Shri Ammar Rizvi, Minister of Education and National Integration. I believe he is a Member of your Panel. He may be requested to place my aforesaid three letters at the next meeting of your Panel.

As regards the second issue, I enclose herewith a photostat copy of my letter as published in "The Pioneer" dated 28-6-1984. It was also published in the 'Northern India Patrika' dated 23rd June, 1984. As this letter is self-explanatory and I have invited 'public discussion' on this subject. I have nothing to add further at this stage.

With kind regards.

APPENDIX

COPY OF LETTER FROM SHRI M. A. QURAISHI, ICS (RETD.) LUCKNOW, AS PUBLISHED IN 'PIONEER DAILY' DATED 28TH JUNE, 1984

Sir, I would like to convey my appreciation for the laudable efforts of Mr A. R. Sherwani in the cause of "education, removal of illiteracy and backwardness amongst the Muslims" India is amongst the poorest countries of the world with more than 50% of its vast population of about 70 crores now living below the poverty line. In the case of Muslims numbering around 100 millions, the percentage ranges from 70 to 75.

It is indeed a matter for surprise and regret that not one Muslim boy or girl has succeeded in the IFS/IAS Examinations this year, although there were 165 vacancies. The same thing happened last year too. The same trend is to be noticed not only in the other Higher Services like the IPS, Central Services, but also in Class III and IV Services where, generally, the minimum qualification is High School or VIlth Standard, respectively. So, the main reason for this poor representation amongst the Muslims must be something different, which is, on the basis of my personal experience, frustration, unwillingness, general apathy and demoralization leading to a shirking spirit for doing hard work to succeed in any competitive test, high or low as against the hard working and dedicated boys and girls of other communities, including members of the scheduled castes and tribes and other "reserved categories", like ex-servicemen, orthopaedically handicapped, etc. The same is true in the case of probationary officers of the State Bank of India, its seven associate banks and the 20 nationalised banks.

It is, therefore, obvious that not "illiteracy, backwardness and obscurantism amongst the Muslims", to quote a writer, are responsible for this sorry state of affairs. The fault lies somewhere else, which is, in my opinion, extreme poverty amongst the Muslim masses, forcing them to employ their children as child labour to earn something to make both ends meet, resulting ultimately in illiteracy and backwardness.

I would like to suggest that the Minorities' Commission may set up an expert panel to study this problem indepth and to suggest measures to improve the present deplorable situation not only for the Muslims but also for minorities.

Meanwhile, Aligarh Muslim University and other Muslim educational institutions may like to set up training centres to give training to promising candidates from minority communities for various jobs, both Civil as well as Military.

I invite a public discussion on this subject.

NOTE FROM SHRI M. RIAZUDDIN, GENERAL SECRETARY MINORITIES' EDUCATIONAL INSTITUTIONS IN U.P. ON THE EDUCATIONAL PROBLEM OF MINORITIES IN UTTAR PRADESH

1. The U.P. Government has set up a Panel of 12 members to study the problems of minorities. It is gratifying that six members of this Panel belong to Muslim minority. All of them are legislators belonging to the ruling party. But the pity is that none has been drawn from independent social groups more particularly, who might present the educational problems of minorities freely. I am, therefore, duty bound as General Secretary of the Minorities Educational Institutions Association, U.P., to highlight their most burning educational problems as briefly as possible.

A : QUESTION OF MINORITY STATUS TO SOME INSTITUTIONS

2. Over a dozen genuine minority-managed educational institutions in the State have been denied minority status, either without assigning reasons for rejection or against flimsy grounds to reject them. In fact, our Education Ministry is too much under the pressure of the Madhyamik Shiksha Sangh which has got a glorious history of wrecking educational work in Schools and Colleges and black-mailing minority institutions. In this connection, the main areas of minority grouse are the following :—

2.1 Undemocratic Character of the Committee which decides the fate of minority institutions : The Committee set up to decide cases of minority status is undemocratically constituted because it is composed of all-majority personnel who have no sympathy for the cause of minorities and possess a committed outlook. In all fairness, there should have been effective representation of the minorities on this Committee so that they could speak for their institutions freely.

the other cause of resentment is that the grounds of are not only flimsy, but also undemocratic and do not follow the secular pattern of the country. Some grounds, when scrutinised are the following :

Inclusion among the founder's body of a few persons belonging to the majority community, though there is clear domination of minority members. Does this not give weight to our secularism and does it not mean a step forward towards emotional integration. Instead of being commended for such a behaviour, those who have done so have become the victims of narrow mindedness, not behaving to a ruling body committed to secularism and integration.

Similar is the matter of rejection for receiving token financial assistance from members of the majority community towards the cause of a minority. In a secular country, this attitude should be welcomed and appreciated, rather than be cause for punishment.

In the chain of rejections are also institutions, who have tried to streamline their constitutions with the guidelines proposed by the U. P. Government, years after their inception. Naturally, an institution established in 1973 could not have possibly preconceived the guidelines prepared in 1970. Disallowing the streamlining process means grabbing the house of a natural citizen of India by making coercive rules against the minorities, who do not wish to adopt agitational methods. It should also not be forgotten that such amendments are within their rights given in the Constitution itself. No one can legally challenge their right to amendments, necessary to preserve the intention of the founders, otherwise being threatened by U.P. Government. In fact, the guidelines themselves are illegal. It is the minority itself, not a majority dominated Committee, to declare an institution minority or non-minority.

Some institutions have been rejected because they have kept their doors open to all communities, irrespective of language, colour, creed and religion. Is it a sin in secular India to think of being useful to brother-communities ? Rejection on this basis reflects the narrow-thinking in consideration of minorities problems.

B : URDU MEDIUM

3. The Uttar Pradesh Government have miserably failed to fulfil its promises regarding the Urdu Medium. The Urdu speaking public wants implementation of about a hundred G.O.s already issued, more than the declaration of the Second Language, because the bill hardly provides genuine safeguards to Urdu and has not touched at all their educational problems

4. The Urdu speaking minority generally feels that annihilation of Urdu from educational forum is in progress, despite Government orders, because the implementation is in the hands of the majority who are anti-Urdu, definitely and openly. The following will support the allegation :—

4.1 All implementation officers are non-Urdu men : (a) Most of the Basic Shiksha Adhikaris; (b) Dy. Inspectors, Urdu Medium (defunct); (c) Dy. Director, Urdu; and (d) Secretary, Urdu Academy. While B. S. As. misuse their authority about Urdu, the rest have no powers at all and to deal with Urdu problems are actually dummy.

4.2 During 35 years, Urdu Medium has gone to Zero level. See Table below :—

Table No. 1
Position of Urdu Medium in junior Basic Schools, 1981

<i>No. of Basic Schools</i>	
Boys Schools	70,931
Girls Schools	Not known
Urban Schools	6,694
Rural Schools	64,237
Urdu Medium Urban	Nil
Urdu Medium Rural	Nil
With additional Urdu Rural	Nil
With additional Urdu Urban	2,500
Urdu Teachers in Urban Schools	1,000
Teaching of Hindi Medium and Hindi	No Urdu
Hindi	No Urdu

Table No. 2

No. of Urdu Students affected (1981)

No. of students in Basic Schools (Primary)	Boys	63,98,240
	Girls	30,39,149
Urdu speaking at 10%.	Boys	6,39,824
	Girls	3,03,914
Urdu Medium	Boys	Nil
	Girls	Nil

Note :- It is a matter of great concern that the mother tongue of about 3 lakhs future students is in the process of being converted to Hindi in this State

Table No. 3

Position of Urdu Medium in Senior Basic Schools (1981)

No. of Senior Basic Schools	Boys	10,058
	Girls	3,349
	Urban	1,953
	Rural	11,454
Urdu Medium	Urban	NIL
Urdu Medium	Rural	NIL

Table No. 4

No. of Urdu Students affected in Senior Basic Schools

No. of students in Senior Basic (J.H.) Schools	Boys	11,11,602
	Girls	3,08,321
		14,19,923
Urdu speaking at 10%.	Boys	1,11,160
	Girls	30,832
		1,41,992

This means that more than a lakh Urdu speaking boys and girls have to opt Hindi Medium per force. In addition, about 20,000 students clearing Class V of Maktabas have either to change

their medium (Urdu) in VI or drop. This hard fact is the gift of the Uttar Pradesh Government's Urdu policy.

Table No. 5

Position of Urdu in Higher Secondary Schools in U.P.

No. of Hr. Secondary Schools recognised by the Government		Boys	4,404
		Girls	806
			5,210
No. of Urdu Medium Hr. Secondary Schools		Boys	None
			Despite assurance.
		Girls	As above
Urdu in Three language Formula			Not introduced

(See Uttar Pradesh's National Integration Department Publication, Year 1972, entitled "Facilities provided for Linguistic Minorities in Uttar Pradesh", Para 28, Page 6, not implemented till 1984)

Table No. 6

Urdu Medium Students affected by New Curriculum

Total No. of Students		Boys	16,27,385
		Girls	7,35,917
			23,63,302
No. of Urdu speaking		Boys	1,12,718
		Girls	73,619
			2,46,337

4.3 Thus population of over 2 lakhs Students, under the New High School Curriculum, do not even opt Urdu as an optional subject because in all Eight Groups, it has been bracketed with English. A Survey made by the Minorities Educational Institutions Association revealed that in the first year of this Syllabus (1983), the number of Urdu students fell by 50%. More fall is expected in future years.

C : MINORITIES PARTICIPATION IN THE PREPARATION OF TEXT BOOKS

5. As will appear from the following example, in this democratic country, there is no place for the minorities to share the burden of the Text Books preparation. Consequently, the subject

matter of the books misrepresents minorities history and social-studies only to create a gulf between the majority and the minorities and tends to crush all integration programme set up on government papers.

Table No. 7

Minorities Participation in the Preparation of 'Hamara Taarikh aur Hine Tammaddin' and 'Hamara Itihās aur Nagrik Shāstra' for Class VI, VII and VIII (Urdu Version)

No. of Compilers	Muslims	Christians	Sikhs	Jains
6	1	Nil	Nil	Nil
No. of Advisors				
4	Nil	Nil	Nil	Nil
No. of Critics or Advisors				
2	Nil	Nil	Nil	Nil
No. of Translators				
2	Nil	Nil	Nil	Nil

This means that the minorities have not the right to play their due part even in preparing those sections of the book which relate to them socially, culturally and religiously. Such a treatment leaves the minorities 'isolated and humiliated' as described by Mr. N. C. Saxena.

6 Glaring boost of unsecularism will be a sad commentary on the Text Book entitled 'Hamarey Purvaj' prescribed for Classes VI, VII and VIII.

Table No. 8

Pattern of Contents in 'Hamare Purvaj'

Part	Total No. of Chaps	Religious Personalities			
		Hindu	Muslim	Christian	Sikh
I	21	16	—	—	—
II	21	15	—	—	—
III	23	14	—	—	—

Part	Total No. of Chaps.	Historical and others				
		Jain	Hindu	Muslim	Christian	Sikh
I	21	—	3	1	—	—
II	21	—	4	2	—	—
III	23	—	6	3	—	—

6.1 By reading such books, the pupils are bound to bear the following impressions :—

- (1) The minorities have no religious and cultural heritage in India.
- (2) The minorities should adopt religious dominance of Hindus if they want to become an educated person in this State.
- (3) The Muslim religious personalities, even of the stature of Moinuddin Chishti, who is still the favourite of millions of Hindus, has been omitted. But historical figures like Akbar and Abul Fazal have been included because they had renunciated Islam in favour of Deen-Elahi. And Dara Shikoh, hardly a significant ruler, finds a place simply because he was a Sanskrit fan and was the disciple of a pundit.
- (4) All of the 45 picture plates, except a couple Hindu mythology give the impression that the minorities have no religion and no culture worth being taught to the students in our schools.
- (5) There is a picture showing Kabir in 'Turkish Cap' and Tahmad lying down in humility with folded hands under the feet of Swami Ramanand.

D. REPRESENTATION OF MINORITIES IN EDUCATIONAL BODIES

7 Any section of society, which has no share in the policy making bodies of the Government and has to submit to the whims and ideologies of the majority, are in effect second class citizens in the country.

Table No. 9

Representation of Minorities in Uttar Pradesh Educational Bodies

Total Seats	Majority	Minorities			
70	64	Muslims 2	Christians 2	Sikhs 1	Jains 1

Table No. 10

Representation of Minorities in Important Committees of the Board

Committee	No of Women Mem- bers	Mus- lms	Chris- tians	Sikhs	Jains
1. Exam. Committee (3 Zones)	19	1	-	-	-
2. Recognition Committee (3 Zones)	19	2	1	-	-
3. Curriculum-Committee.	7	-	-	1	-
4. Women Education Committee	9	2	-	-	-
5. Committee of Courses	-	-	-	-	-
a. English	6	1	1	-	-
b. History	6	-	-	-	-
c. Maths	7	-	-	-	-
<i>Science</i>					
a. Physics	7	-	-	-	-
b. Chemistry	7	-	-	-	-
c. Biology	7	-	-	-	-
d. Commerce	7	-	-	-	-
e. Economics	7	-	-	-	-
f. Education	6	-	-	-	-
6. Minorities and Backward Class Committee	6	-	2	1	-
Total	120	13	4	2	1

Observations

7.1 From these figures, we can draw some very pertinent conclusions :

- (1) Women folk, who are almost equal in population with men, represent only 7.5%, Muslims 3.3%, Christians 1.7%, Sikhs 0.8% and Jains 0%.

- (2) Under this majority-ridden educational set up, it is no surprise that even lessons on Islam, Christianity, Sikhism, Jainism and others are not only misrepresenting but humiliating to the minorities. If no members of the minorities are considered fit even to write Chapters about their own religion or heroes or at least serve as scrutineer, reviewer and translator, this means complete isolation of minorities from the educational focus.

Text Books

8. The following examples from prescribed Text Books will be eye openers to those who profess in integration but actually work for disintegration—

8. Sobodh Samajik Vigyan for Class IX-X, written by Sheo Nwain Singh Rana and Medi Lal Arya .

Absurdities

- (1) Prophet Mohammad has been described as the founder of Islam which, according to Islamic belief, is incorrect. Islam was perfected under his Prophethood.
- (2) His mother's name was not 'Ameena' as given here, but 'Aamina' as the Muslims know.
- (3) The book deated signs of greatness in the Prophet during his childhood and boyhood. This is a denial of historical evidences given by the Christians and Jews missionaries. He was called "Ameen" (Superb fidelity) even before becoming the Prophet.
- (4) He is described here to have taken the lesson of unity of God from the Judaism and Christianity. This means that the teachings of the Quran were all redundant.
- (5) "Hijrat" has been given the unholy character of running away for the fear of life, thus humiliating the Prophet in the eyes of Non-Muslims and misleading the Muslim boys at the impressionable age.
- (6) The Prophet has been described to have adopted Hazrat Ali as his son. This speaks of the shallowness and knowledge and mere historical distortion.

- (7) "Zakat" has been described as the $\frac{1}{4}$ of the total income, while it is $\frac{1}{40}$ of the total savings per annum.
- (8) The Sunni Muslims have been described as believing only in Three Caliphs and disowning Hazrat Ali. This is the height of ignorance. They recognise all the four.

8.2 The other book under review is "Samajic Vigyan" by Dr. Ram Nath Sharma and R N Thakur. This is also full of humbug.

- (1) The sacred revelation of "Wahi" on the Prophet has been described as a disease resulting in convulsions and fits.
- (2) The Holy Quran has been described as the collection of the Prophet's sayings prepared years after his death.
- (3) At another place, the book says that the author of the Quran was the Prophet himself.
- (4) Pronunciation mistakes : "Hejaz" has been spelt as "Hejaj", "Naja" and "Barzakh" as "Barjakh".
- (5) The book says that the Prophet had been advising Muslims to confront those who believed in multiplicity of God, while Quran calls upon Muslims to refrain from abusing the Gods of non-muslims, not to speak of confrontation.
- (6) The book describes "Mehdi" as the last Prophet of Islam, while the Muslims consider Prophet Mohamad to be last Prophet.

These and many more foolish interpolations in the Text Books give the minorities a sense of complete isolation and determined black-mailing of Muslim minority through the lasting process of education.

8.3 The third book under review is "Jivan Nirvah", by Mahadeo Singh Chawdhari, Janta Vedic College, Baraut, Meerut. This is an unapproved book went into currency in schools, because the nationalised Text Book on Moral Education has not seen the light of the day even two years after the promulgation of a moral education syllabus. Thus private publishers have been allowed to earn millions before the official Text Book is in the

market. One wonders why the syllabus has been inflicted upon schools without Text Book being available. The new nationalised book has, however, not yet been released for review of minorities, specialists/organisations to avoid unbalanced contents and inclusion of material injuring the sentiments of minorities.

8.3.1 The above noted book, which is being taught in schools for the last two years, we find really a book on vedic philosophy of morality. Through this, students are made to believe that outside Vedas, there is no morality at all. To this are added lessons on Yogic exercises. How far moral health and physical health go together is a matter of difference of opinion. But there is no doubt that the element of religion in Yogas is not acceptable to all. For instance, the beginning of exercises with "Surya Namaskar" is an unforgivable sin in Islam. It does not behave secular institutions to practice religiously through Text Books read by children of various communities. Some times ago on representation by this Association, the Governor of Uttar Pradesh had got cancelled a similar book prescribed for Class VIII. The same has been repeated in High School classes now.

8.4 The fourth book has been reviewed by Mr J.N. Saxena himself and we are grateful to him for his open mindedness. He has commented on "Nav Bharat" Parts I and II and "Hamara Itihas" and "Nagrik Shashtra" Parts I, II and III for Classes VI, VII and VIII. In making his general remarks, he says that History, as it is taught in the form of History Books and Hindi Text Books, is full of sectarian and communal bias and is nothing more than historical prejudice. In concluding, Mr. Saxena rightly observed that "as a secular and enlightened democracy, it is our duty to ensure that the minorities, whether based on religion, race or language, do not feel isolated and humiliated."

ANNEXURE XXXIV

(Ref. Ch. V Para 5.35)

EXTRACTS FROM THE NEWSLETTER OF THE
FEDERATION OF PARSI ZOROASTRIAN ANJUMANS
OF INDIA ON ITS MEETING HELD IN SECUNDERABAD
IN OCTOBER, 1984.

A. SECUNDERABAD MEETING

1. The Meeting of the Executive Council and an Extra-Ordinary General Meeting of the Federation were held in Secunderabad on 27th and 28th October, 1984. 33 representatives of 13 Anjumans and Panchayats attended the meetings. All the four Trustees nominated by the Bombay Parsi Panchayat on the Executive Council attended the meeting, so did all the office-bearers except Mr. Maneck Cheyara who could not make the trip to Secunderabad due to ill health. Apart from the BP, representatives from Poona, Iranian Zoroastrians (Bombay) Calcutta, Delhi, Madras, Ahmednagar Allahabad, Hyderabad, Karnataka, Mhow, Nanded and Vizagapatnam travelled to the twin cities to participate in the deliberations of these meeting. Notable among the absentees were all the Anjumans and Panchayats from Gujarat and Nagpur from Maharashtra.

2. The highlights of the Meeting included four one-hour talks by the distinguished individuals from the twin cities. The talks were open to the delegates as well as to all Zoroastrians from the twin cities.

3. The social functions included an At-home. The Governor of Andhra Pradesh, Shree Shankar Dayal Sharma, graced this function and gave a very interesting speech from which it was apparent that he has a deep insight in the community's history, traditions and culture and is keenly interested in its future progress and well-being. The meetings, the talks, the At-home and the Jashan were held in the huge Chenoy Dharamshala complex and the social get-together, followed by a sumptuous dinner, hosted by Sqn. Ldr. & Mrs. J D. Itaba, was held in the Zoroastrian Club.

4. Dr. Asp. F. Golwala, President of the Federation and Sqn. Ld. Jimsal D. D. Iti, President of the Host Anjuman (PZASH) stressed the importance of and urgency for concrete and effective action for resolving the problem situations. Some of these situations were discussed at the meeting when views were expressed and suggestions were made by delegates from various Anjumans. The steps to be taken were agreed upon and recommendations to the Anjumans were formulated. A number of delegates came forward to initiate and/or follow up action along the lines agreed upon. Reports on the various projects of the Federation were placed before the meeting. The delegates expressed their admiration for and appreciation of the work which had been done so far by the concerned committees and the individuals.

B. RECOMMENDATIONS OF THE FEDERATION

5. The recommendations made by the Federation of Parsi Zoroastrian Anjumans of India, in its Secunderabad Meeting are as under :—

- (i) Anjumans should collect information about :
 - (a) Facilities offered by State Governments to budding entrepreneurs for opening up manufacturing units.
 - (b) Opportunities available for further studies in Medicine, Engineering and other branches of technology in their area.
 - (c) Careers, Jobs and Business Opportunities available in their areas.

The information so collected could then be made available upon request by the Anjumans to their own Members. The information may also be sent to the Federation Secretariat for dissemination on an all India basis.

- (ii) Anjumans should publish and circulate Newsletters (Monthly, Bi-Monthly or Quarterly) among their Members and also mail the Newsletters to other Anjumans and the Federation. A mailing list of Anjumans would be made available by the Federation Secretariat upon request.
- (iii) In the event of any encroachment taking place on the properties of any Anjuman or property belonging

or allotted to the Zoroastrian Community in the neighbouring areas, a letter should be addressed to the Secretary, Ministry of Home Affairs, Government of India, New Delhi giving brief details of the location and ownership of encroachment and requesting the Government to take necessary steps to remove the encroachment. The letter should be sent in duplicate to the Federation Secretariat in New Delhi for pursuing the matter with the Home Ministry.

The Anjumans, with dwindling population, should become Members of the Federation so that the interest of the community in their area could be safeguarded. The membership will also enable the smaller Anjumans to keep in constant touch with Zoroastrian Anjumans and Panchayets in other areas and will promote cohesiveness.

A Record of the Trust Deeds and immovable properties belonging to and/or managed by the Community should be maintained and preserved by the individual Anjumans and a copy of such records should be maintained at a central place to safeguard against loss, destruction or damage through natural calamities or other agencies.

Anjumans should encourage their youth to form youth organisations and make sincere efforts to involve the youth in the affairs of the community.

All Anjumans may set apart a small amount for investment in money-multiplying schemes which double and redouble the investment every few years and yield a very large sum over a fairly long period, which could be utilised for providing retirement benefits to Mobeds and other Members of the Anjuman's Staff. This scheme could also be used by organisations like the Dadar Altheman Madressa to induce their students to practice full time Mobedi for specified number of years in specified areas after completing their education in the Madrassa.

Anjumans should provide Counselling and Career Guidance Services for school children, their parents and teachers.

Anjumans should form Panels for Job, Business and Career Opportunities from within their own membership, to bridge the existing communication gap

between seekers of such opportunities and those who can provide the opportunities

- (x) Anjumans should remain alive to the probability of Drug Addiction spreading in their areas, watch out for the danger signs and take preventive steps.
- (xi) Anjumans should conduct social survey in their areas through professional organisations. Alternatively, individual families should be requested to complete and return the Family Data Sheets and other questionnaires circulated by the Federation. The Federation would then get the Survey Reports prepared and submit them to the Anjumans for information and action. Such Surveys would provide adequate information about the present situation of the community in different areas and its needs which would provide food for thought and the basis for planning an infrastructure of facilities to cope with the future needs.
- (xii) Concerted efforts should be made to preserve old artefacts, records and books depicting our ancient culture and heritage which are at present in the custody of the Cama Oriental Institute, other organisations and institutions and individual families. Selected works and documents may be microfilmed in the interest of preserving them safely for a very long period.
- (xiii) The community should take maximum advantage of Educational and Technical Institutions managed by the Parsi Zoroastrian Trusts. Information about such Institutions—some of which also have residential facilities—will continue to be published in the Federation Newsletter from time to time. Interested individuals may also approach the Federation for information on any specific institution. Excellent facilities are available in Allahabad and other Universities for studies in the field of Agriculture. Individuals interested in receiving information and guidance in this matter may write to Dr. Ratan H. Sagar, President Trustee, The Parsi Zoroastrian Anjumans of Allahabad, Agricultural Institute, Allahabad-211007.
- (xiv) Anjumans should make it a point to render maximum assistance to newcomers for securing suitable

residential accommodation and admission of children in schools and colleges as well as help them to become an integral part of the local community as quickly as possible.

- (xv) Anjumans should ascertain whether any machinery exists in their respective cities or towns for registration of marriages under the Parsi Marriage and Divorce Act. If such machinery does not exist, they should write to the Chief Secretary of their State Government requesting the issue of a Notification making available such machinery. A copy of the communication may be sent to the Honorary Secretary of the Federation.
- (xvi) Anjumans should also maintain Records of Births, Navjotes, Marriage, and Deaths as this would greatly help establish the demographic trends over a period and facilitate comparison with earlier trends as well as with current trends in different areas.

**MEMORANDUM DATED 22nd AUGUST, 1981 FROM
SHRI H. GURSAHANI, PRESIDENT, ALL INDIA
SINDHI PANCHAYAT FEDERATION, BOMBAY**

Sub : Difficulties and Demands of the Linguistic Minority
Sindhi Community in the Maharashtra State - Request
for Taking up Matters with the Government of
Maharashtra.

1 I am grateful, on behalf of the Sindhi community in India, and deeply beholden to your goodself and the other members of the Minority Commission of India for giving us an opportunity telegraphically to place our problems and grievances to your goodself and allowing us to discuss the subjects with your goodself.

2 The telegram dated 18th August, 1981 was received on 20th August and hence the delay in the submission of the Memorandum, and not being able to meet you on 21st and instead submitting this Memorandum on 22nd August, 1981.

DIFFICULTIES AND DEMANDS

(1) Establishment of Sindhi Academy.

3. The P.D.F. Government, before the present Government headed by Barrister A. R. Antulayji, had decided at the Cabinet level to establish a Sindhi Academy for preserving the Sindhi language which is recognised in the Eighth Schedule of the Constitution of India, in order to enable the literature, language, arts, dramas etc. of the linguistic minority—the Sindhi community—to progress and advance on the lines of the Urdu Academy which has been established in the State of Maharashtra. But unfortunately, despite repeated demands and earlier decision, the present Government is not able to establish this Academy, though the present Chief Minister, Shri A. R. Antulayji belongs himself to a minority community, and is dynamic and secular. All the same, we urge your goodself and the Minorities' Commission of India to impress upon the Maharashtra Government to meet the legitimate demand of the Sindhi community in the Maharashtra State.

(2) *Interference in the Linguistic Educational Institutions by the State and Universities*

4. Several colleges run by the minority Sindhi community in Maharashtra, including the Hinduja College run by the linguistic minority had to rush to the Bombay High Court to protect the freedom of the educational institutions from interference by the State Government and the University in respect of appointment of staff, Principal etc. by their Governing Councils and admissions to students on merits, etc. Several writ petitions are still pending in the Bombay High Court and injunctions have been granted. Though the State Government had originally adopted a rigid attitude in the days of the P.D.F. Government, after the latest judgements of the Supreme Court reported in A.I.R. 1950 SC 1084, the present State Government, led by Shri Antulayji had undoubtedly asked the Universities to re-examine the whole issue. But still every time demand is being raised with regard to these academic institutions and putting on curbs on the linguistic minority community so that their educational institutions may not be able to run with freedom which is guaranteed under Articles 29 and 30 of the Constitution of India, and the Government has to so arrange its policies and guide the University so that the academic institutions financed and managed wholly by the minority institutions, religious as well as linguistic, are allowed to run independently, as held by the Supreme Court. You will kindly make recommendations in this behalf to the State Government.

(3) *Representation in the Rajya Sabha, Legislative Council Corporations, Councils, Zilla Parishads and State-owned Corporations*

5. It has been the consistent demand of the Sindhi community in India in general and the Maharashtra State in particular where more than seven and half lakh Sindhis reside and the largest township of Sindhis exists in Maharashtra called Ulhasnagar, which is the Manchester of Maharashtra, that due to the supreme sacrifices of the community and sacrificing their homelands in Sind on the altar of India's freedom, they have no State of their own, and from the date of Independence of India till date, the Maharashtra has never recommended any Sindhi for Rajya Sabha, though the Chief Minister and the ruling parties got opportunity to give representations to various minority communities. The political pulls, pressures and vested interests see to it that this linguistic Sindhi minority community, which has made a significant contribution in the fields of education, industry and culture, health, medicine, etc., is not given an adequate representation in

the Kalya Sabha, Legislative Council and on the Municipal Corporations, Zilla Parishads and various State owned Corporations so that a sense of participation and belonging to the State is considered and felt by the Sindhi community. 39 seats were allocated and nominated by the present Government led by Shri Antulayji for the Maharashtra Legislative Council and all communities, excepting the Sindhi community, were given this representation and, therefore this grievance needs to be redressed. You will kindly draw the attention of the dynamic and secular Chief Minister, Shri Antulayji, to this pressing and legitimate demand of the community which has been neglected for long.

(4) *Establishment of Development Corporation for 36 Displaced Persons Colonies in the Maharashtra.*

6. It has been a persistent demand of the Federation that in order to provide adequate sanitation, education, planning, water facilities, medical care in the various Refugee Colonies in the Maharashtra which number 36, some of which lack primary necessities of life, many of whom did not have Zilla Parishads and Municipal Councils, it is necessary that such State owned Displaced Persons Development Corporation be set up in the State with representatives of the Government and the Displaced Persons, i.e., the Sindhi community, so that it is able to look after these D. P. colonies and develop these townships into modern townships, and sufficient provision may be made in the Planning Commission allocation for the State of Maharashtra for the purpose of these Refugee Colonies just as allocations are made in regard to various schemes.

(5) *Martyrs Memorials in Maharashtra*

7. It has been our consistent and persistent demand that the Government of India had written to the State Government to establish a suitable Memorial for Amar Shaheed Hemu Kalani, the martyr of Hind and Sind at Bombay in Chembur, where his venerated mother, Smt. Jethibai, lives at the age of 78, and she should be given a title of Maharashtra and Sind Mata, as has been done in the case of the mother of Amar Shaheed Bhagat Singh, and the Government of India has agreed to bear the extra contribution. Yet nothing has happened and the Governor of Maharashtra himself recommended to the State Government that this should be done. Even in the recent plan announced on 9th August, 1981 by the Chief Minister of Maharashtra for setting up more than 400 Memorials for martyrs, no plan has been announced for setting up a memorial to Hemu Kalani, and for this also,

have made representations to the Chief Minister, Union Home Minister and the Prime Minister and also to the Governor of Maharashtra, and we urge the Minorities' Commission to kindly take up this matter with the State Government.

(6) *Programme on T.V. and Radio*

8. The Sindhi community has been feeling sorry that the time allotted on the T.V. and radio in the State is very negligible. The matter has been taken up with the Union Minister for Broadcasting—Shri Vasant Sathe and the Chief Minister of Maharashtra without any success. Literary, artistic and cultural talents go waste and a grievance is growing up that this linguistic minority community is not allowed to play its part in the cultural affairs of the State and the nation and even when dramas are staged by the State officials on festivals of the State, the dramas of the minority community's recognised language are not allowed to be exhibited and completed and, therefore, a feeling of injustice is growing and it is worthwhile to redress this. We, therefore, most earnestly urge your goodself to kindly take up this matter with the State Government and do your very best to have this grievance redressed.

(7) *Communal Disturbances*

9. We may bring to your kind notice that communal disturbances have occurred in Godhra and Dhoraji, Saurashtra in Gujarat State, where many shops of Sindhis were burnt, and in Godhra, six Sindhis were burnt alive, and any shops were looted and burnt. I had myself visited Godhra four times and met the Chief Minister of Gujarat and the then Chairman of the Minorities' Commission at Ahmedabad, as also the Prime Minister of India on the 7th December, 1980 and also the Union Home Minister and urged that protection of lives and properties be given to them and they should be allowed to open their shops and earn their daily livelihood. Kindly have this matter taken up with the Gujarat Government and the Union Home Ministry to do justice to the linguistic minority in the Gujarat State.

A line in reply will oblige.

ANNEXURE XXXVI

(Ref. Ch. VI, Para 6.1)

A PROFILE OF THE RELIEF AND REHABILITATION MEASURES UNDERTAKEN BY THE DELHI ADMINISTRATION IN THE WAKE OF COMMUNAL DISTURBANCES IN NOVEMBER, 1984

SUCCOUR AND SECURITY FOR A NEW BEGINNING

1. Following the unfortunate assassination of Smt. Indira Gandhi on 31st October, 1984, violent disturbances on an unprecedented scale broke out in different parts of Delhi. Though the disturbances were put down with a heavy hand with the assistance of the Army, a number of precious lives were lost. Many families had to leave their homes and hearths and were forced to take refuge in relief camps and Gurdwaras. In order to provide relief and succour to the persons affected by the disturbances on a urgent basis, Government took up the task of relief and rehabilitation on a war footing. As a result of these efforts, the Administration was able to successfully complete the process of providing relief and rehabilitation within the quickest feasible time.

RELIEF AND REHABILITATION MEASURES

2. The relief and rehabilitation measures undertaken by the Delhi Administration in the wake of recent communal disturbances are briefly summarised as under :—

(A) *Relief Camps*

3. The first relief camp was set up at the Govt. Model Senior Secondary School at Ludlow Castle on 3rd November, 1984. Thereafter, camps were set up at regular intervals. In all, 10 camps were set up by the Administration in various parts of Delhi. The combined peak population of all the 10 camps was in the vicinity of 25,000. Following restoration of normalcy, there was heavy exodus of people from camps. At the moment, there are, only around 600 persons still residing in one camp, namely PS Farash Bazar. These people are from Trilokpuri. Efforts are being made to persuade them to go back to their houses. However, all the widows, who were earlier staying in the Farash Bazar Camp, have been provided with slum flats at Tilak Vihar.

4. The Administration had provided all necessary facilities such as food, rice, milk and bread, drinking water, medical care, blankets, sanitation and hygienic cover at all the camps. These camps were placed under the charge of Sr. officers of the Administration alongwith supporting staff who were on duty round the clock. The assistances rendered by the various voluntary organisations including the Indian Red Cross was appreciable. The deployment of senior officers of Government of India at various camps further helped in their smooth and efficient functioning.

5. Apart from the camps run by the Administration, a number of people sought refuge in various Gurdwaras all over the Delhi. The peak population in Gurdwaras was around 20,000. This number has now come down to below 700 spread over few Gurdwaras have commenced their work/vocation. Most of them have started moving back to their houses. The population in the Gurdwaras keeps on fluctuating owing to return of Sikh migrants from Punjab and Rajasthan.

(B) *Gratuitous Relief*

6. The Government of India announced a number of measures for the benefit of riot affected persons. Verifications of claims was done by a team of 100 officers specially designated as Sector Officers (Claim). The progress of verification, imparting of guidance and training and sorting out of problems/complaints was personally handled by both the Relief Commissioner and Deputy Commissioner, Delhi.

7. As on date, more than 20,000 claims for gratuitous relief covering death, injury and damage to dwelling units have been verified. The total amount of gratuitous relief disbursed so far is Rs. 4,44,37,900. Some claims are still being received from places outside Delhi. These claims are being enquired into even at this stage and due compensation is being paid in all eligible cases after verification.

8. The Administration has been very considerate in the matter of settling claims of persons effected by the riots. A liberal and humane view was taken in the matter of verification of claims specially where evidence was not forthcoming. Moreover, liberal assistance has been given to the riot affected persons from out of the PM's Relief Fund by the Administration. Monetary help was given to persons in distress especially those returning from Punjab and Rajasthan and to widows. This help is continuing.

(C) *Financial Loans*

9. The Government also decided to sanction loans to persons whose business had been affected on account of disturbances. Nationalised banks have advanced loans to the riot affected persons for a variety of purpose such as recommencement of retail business, damage to motor vehicles, trucks, etc., which were a source of livelihood. The banks have so far sanctioned loans in around 7,000 cases involving an amount of Rs. 28.20 crores. This amount is being disbursed on a priority basis. The loans have been advanced at a concessional rate of interest and certain other concessions such as moratorium on repayment, etc., have also been given.

(D) *Rehabilitation measures to widows and children*

10. An extremely important aspect of the relief measure is the rehabilitation of widows and children. The Directorate of Social Welfare has already initiated a number of steps to rehabilitate widows and children. These are as under:—

- (i) Delhi Administration initially arranged for more than 700 jobs and livelihood opportunities for the women widowed in the recent disturbances and 1129 sponsorships to children. Letters of appointment in various electronics and other industries in Okhla, Naraina and Sahibabad Industrial Estate had been hand delivered to the widows; women from East Zone to go to Okhla and Sahibabad and West Zone to Naraina and Mayapuri. Arrangements for packed lunch, day care creches and free transport on bus routes mapped out according to their present places of residence had been made to enable the women to go to work.
- (ii) Training-cum-Production Centres (TCPC) in Cutting and Tailoring were opened in camps and Gurdwaras. These centres were run in Farash Basar, Laxmi Nagar, Gulab House, Sukh Bhavan Camps and in Nanak Piao, Nanaksar, Bala Sahib and Moti Bagh Gurdwaras. Over 300 women had enrolled themselves. A stipend of Rs. 200 p.m. and assured piece rate work through Supper Bazar and the Department of Social Welfare is being provided. Although the widows are being given preference, other women have also been allowed to join. Now that widows have shifted to Tilak Vihar in DDA Tenements, TCPC and Anganwaris have been opened to cater to the needs

of widows. So far 84 widows have enrolled themselves. One Day Care Crèche is also working so as to keep the children of the working widows engaged. Besides, the Directorate of Social Welfare has already finalised the scheme with voluntary organisations like CASA, Sewa Bharati, Ankur, etc. and PHD Chamber of Commerce to immediately start Training-cum-Production Schemes with assured marketing. Directorate of Social Welfare has already taken possession of two Community Centres at Tilak Vihar and one at Raghunagar. Space has already been made available to CASA and Sikh Council. Cutting and Tailoring, Papad making, Knitting Centres have already started. It has been ensured that no widow remains deprived of the benefits.

Similarly, riot affected areas have been divided in zones for rehabilitation purposes and each zone or area has been given to a Voluntary Organisation with the Directorate of Social Welfare as Coordinating Agency.

Anganwaris have been opened in conjunction with every Centre to look after the Children of the widows to enable the women to concentrate on their work.

Most of the affected areas are already covered by the Anganwaris. The Department has diverted some Anganwaris to areas such as Khajuri Khas which were not earlier covered.

The War-Widows Association, Amar Jyoti Charitable Trust, Mahila Mangal have also been sanctioned grant-in-aid by the Central Social Welfare Board to train and employ 75 women on Trilokpur/Kalyanpur area. Sheds to these organisations have been allotted by the Director of Industries. 15 widows have already started working. Many more are to join in due course. SOS Village has also offered jobs to 24 encumbered widows as House-Mothers in their orphanages.

In all these jobs that have been arranged for the widows through the firms, TCPS and NORAD schemes, a stipend of Rs. 200—250 during training and at least minimum wages thereafter are assured.

- (viii) In addition to this, the widows are being given help through the Delhi Council for Child Welfare sponsorship schemes. The Council for Child Welfare has relaxed sponsorship schemes rules to advance Rs. 50 p. m. to 1129 children selected from among 511 families that have lost their bread winners.
- (ix) The Directorate of Social Welfare has also made available and already disbursed old age pension to 85 widows above 60 years. This pension @ Rs. 60 p m is also available to men above 60 years who have no means of support of livelihood left.
- (x) With this additional income of Rs. 100-150 per family, the affected families will all be in a position to draw about Rs. 540—580 monthly.
- (xi) Certain women in the initial Survey had expressed a desire to avail of institutional care for themselves or their children. Letters were hand delivered to each one of them explaining the facilities available and the addresses of the institutions and requesting them to seek admission. A building in Nari Niketan Camps had been vacated and made ready to receive them along with their children. Arrangements in Children Homes have also been made.

(E) *Other Relief Measures*

11. A number of other important measures have been taken to provide help to the riot affected victims and for reconstruction purposes. These are as under :

- (a) A Free Legal Aid Cell has been opened at the Tis Hazari Courts for the benefit of persons who would like to avail of legal assistance in a number of specified matters. More than 400 persons have since availed of free legal aid.
- (b) The Sales Tax Department had permitted riot affected assesseees to file the quarterly return for the quarter ending 30th September, 1984 by 31st December, 1984. All the assessing authorities have been advised to be careful and sympathetic while dealing with dealers who were affected by the riots. In case of dealers whose records had been looted and such cases not covered under the provisions of the Delhi Sales Tax Rules,

1975, the Administration is considering providing relief to such persons as well.

Two schools, namely, Khalsa Middle School, Sarojini Nagar and Khalsa Senior Secondary School, Pul Bangash suffered extensive damage during the disturbances. The Directorate of Education provided alternative sites to both these institutions. Special funds have also been arranged by the Directorate of Education for immediate repair of furniture, etc. from Government Funds. The Directorate of Education has also permitted transfers of teachers in certain hard cases where the teachers had expressed feeling of insecurity following the disturbances. These transfers covered all categories of staff from Vice-Principals to the Ministerial level.

DDA repaired 100 Gurdwaras and 10 schools and had also lifted 499 burnt and damaged vehicles from the roads of Delhi.

The Industries Department took a number of steps for ensuring rehabilitation of the riot affected units. These are as under :

- (i) The Directorate of Industries processed all loan applications for block loans upto Rs. 10,000 per unit. An amount of Rs. 2.49 lacs has been sanctioned to 26 industrial units affected during the riots.
- (ii) The Directorate of Industries made recommendations to the Central Govt. Authorities regarding import of machinery, components as well as raw materials expeditiously. Recommendations in respect of 9 units were made.
- (iii) The Directorate of Industries issued duplicate copy of registration certificate/fresh registration certificates in respect of 66 riot affected units.
- (iv) In order to rehabilitate women who became widows during the riots, offer letters for appointment in the industries were arranged and delivered to Director, Social Welfare, Delhi Administration in 175 cases.

- (v) The Delhi Financial Corporation also geared itself to disburse loans for reconstruction of industrial units as well as plant and machinery and offered other reliefs to the affected units. 22 such units were assisted by Delhi Financial Corporation.
- (vi) Cement for reconstruction of the factory buildings have been made available through the office of the Commissioner, Food & Supplies Department. 98 factories have been allotted 11,270 bags of cement.
- (vii) DESU has replaced burnt out meters and services lines free of cost. In all, 386 applications were received and disposed of and electric connections restored.
- (viii) Special cells were created in the Directorate of Industries, DDA, MCD, Labour Commissioner office, DESU and other offices for clearing applications from the riot affected units within three days of receipt.
- (ix) The date of filing the Sales Tax Return for the quarter ending September, 1984 had been extended to 31st December, 1984 in respect of those dealers whose business premises had been gutted in fire. They were also advised to make formal applications to the Commissioner, Sale Tax, within the 30 days of the occurrence of fire to seek exemption from producing S.T.-I Form before the Assessing Authorities so that they are not required to pay any tax in the sales made by them against these Forms.

(F) Allotment of Tenements to Widows

12. It was also decided by the Government to allot flats to widows whose husbands were killed in recent disturbances and who were originally residing in jhuggis or as tenants at the time of disturbances. Although the scheme was that the flats would be allotted on initial payment of Rs. 3,000 and balance payment of amount of around Rs. 28,000 in instalments spread over 15 years, but considering the financial hardship being faced by the widows only an initial deposit of Rs. 1000 has been taken before making the allotment of flats. As on date, 250 widows, who were earlier residing in jhuggis or as tenants, have been allotted flats. Further allotment are in progress.

13. In respect of widows owning their own properties, the Government has decided to offer flats on exchange basis. As on date, 236 widows have availed of this offer and have been allotted flats in lieu of their properties after proper valuation by a team specially constituted for this purpose.

14. Here it may be mentioned that offer of allotment of flats has been made to 934 widows out of 990 widows. The remaining 56 widows could not be contacted so far as they were not in Delhi. 486 widows have conveyed their acceptance while 469 widows have actually shifted. Further allotments are in progress.

G) Return of Migrant Families to Delhi

15. The Government of Punjab had informed that more than 1800 Sikh families had reportedly moved from Delhi to Punjab. A large number of such families have since returned to Delhi while the remaining families are in the process of coming back. Around 4000 Sikhs, mostly Sikhigars, had left Delhi and gone to Alwar in Rajasthan. Almost all of them have since returned to Delhi.

16. The Deputy Commissioner, Delhi, had personally visited Alwar and a number of places in Punjab such as Ludhiana, Jalandhar, Amritsar, Patiala, Nabha, Hoshiarpur and the Union Territory of Chandigarh with the object of meeting the Sikh migrants and persuading them to return to Delhi. During the course of his meetings with the Sikh migrants, the Deputy Commissioner informed them of the various relief and rehabilitation measures undertaken for their welfare by the Delhi Administration. He asked them to shed their sense of insecurity and return to Delhi to lead their normal vocations. The response has been very positive. More than 60% of the Sikhs have since returned to Delhi and more are following suit. Financial help from out of the P.M.'s relief Fund is being provided to these families on return to Delhi by the Delhi Administration.

(H) Insurance Claims

17. The Government of India has also decided to provide financial relief in respect of such Insurance Policies which did not include the riot cover. The Delhi Administration is processing the cases received from Insurance Companies on a priority basis. The Administration would pay 50% of the estimated loss or Rs. 50,000 whichever is less to the claimants. This decision of the Government of India to provide monetary help to persons whose properties/motor cars, etc., were damaged during the disturbances,

but where the Insurance Policies did not cover the riot risk, would go a long way in mitigating their hardships.

(1) *Strengthening of Security*

18. In order to restore confidence and increase the presence of Police personnel particularly in vulnerable and sensitive areas, more than 100 Police outposts have been set up. Patrolling has been intensified in these areas so that no untoward incident takes place again. Action under the various provisions of law has also been initiated against persons who have been found responsible for the killings

ANNEXURE—XXXVII

(Ref. Ch. VI, para 61)

A—CIRCULAR DATED 6TH NOVEMBER, 1984 ISSUED BY SHRI A. GHOSH, DEPUTY GOVERNOR, RESERVE BANK OF INDIA, BOMBAY FOR BANK ASSISTANCE TO RIOT VICTIMS.

Bank Assistance to persons affected by recent disturbances

During the recent disturbances in Delhi and other parts of the country, a number of persons have suffered loss of their means of livelihood and household effects and their business assets and dwelling places have been damaged severely. It is, therefore, necessary that they are provided timely assistance in the form of loans, etc., to enable them to rehabilitate themselves. The following guidelines are issued to commercial banks to enable them to sanction loans to the needy persons immediately. The banks have to convey these guidelines to their branches forthwith.

1 Identification of beneficiaries

Identification of persons eligible for relief/rehabilitation assistance under these guidelines will be done by the officers of the State Government/Union Territory administration nominated/appointed by the concerned Government/Administration for the purpose. The identified persons may include not only existing borrowers of the concerned branch of a bank if they have been affected but also others similarly affected within its area provided they are not covered by any other bank's branch/financial agency. Credit requirements of members of co-operative banks and societies will have to be met by the concerned institutions.

2 Activities/purposes requiring credit

Credit may be required for recommencing production activities or business or trade or occupation affected by the disturbances or for reacquiring assets which were used for production, business etc., and have been lost or damaged. In the latter case, assistance will be required for repairs to such

assets. Further, assistance may be required for repairs or reconstruction of residential and business accommodation or for acquiring essential minimum household effects if they have been lost or damaged. Particular attention should be given to the credit needs of small persons such as taxi/truck and other transport operators, retail traders and small manufacturers. In the case of rented/leased premises, assistance may be given to the owner or the tenant/lessee as may provide need-based loan assistance to the affected persons for repairs/reconstruction of their houses damaged either as direct finance or if there is a scheme for an intermediate agency, for example, a Development Authority undertaking the work on their behalf, through such agencies. In the latter case, it should be ensured that the terms and conditions of loan to the ultimate beneficiary are the same as those available to borrowers obtaining loans directly from the bank. The programme for repairs/reconstruction should be time-bound not extending beyond March 1985. The objective should be to enable the borrower to commence his normal life and business/occupation in the shortest possible time.

3 *Period of loans*

The period of loans in respect of all the above purposes may vary from 3 to 5 years depending on the need and future repaying capacity.

4 *Quantum of assistance and rate of interest*

- (i) Loans/credit limits to be sanctioned should be related to actual needs of every beneficiary and the banks should follow usual norms in assessing them. Loans for replacement of essential household effects may be sanctioned upto Rs. 5,000/- per family depending on the repaying capacity prior to disturbances, carrying interest at 12.5% p.a. Credit needs may be assessed in full initially and insurance claim amounts, if any, may be adjusted towards the loans on receipt of the same in due course.
- (ii) Advances for repairs to/reconstruction of houses damaged will also carry interest at 12.5% p.a. The assistance provided by banks for this purpose will be in addition to the ceiling fixed for banks for housing loans wherever such relaxation becomes necessary.
- (iii) Fresh loans/credit limits may be sanctioned to affected persons for continuing/re-establishing production,

business, and occupation such as taxi, truck, auto-rickshaw and other small transport operators, small industries, etc. In the case of SSI units and retail trade, advances upto Rs. 1 lakh will carry interest at 12.5% p.a. In other cases, interest will be charged at concessional rates wherever these are applicable as, for instance, beneficiaries belonging to the weaker sections and other categories in the priority sector. Borrowers, who are eligible for assistance under the Differential Rate of Interest Scheme may be charged interest in accordance with that Scheme.

Further, there may be borrowers such as SSI units, retail traders, etc., in whose cases, the earlier short-term loans/credit limits or portion thereof might have become irregular as a result of the loss of stocks/assets due to riots. The existing short-term loans/cash credit accounts which have become irregular may be converted into term loans repayable in suitable instalments over a period not exceeding 5 years, carrying interest at 12.5% p.a.

Similarly, there will be cases of borrowers like taxi, truck, auto-rickshaw and other small transport operators, small industrial units, etc. who had obtained term loans and the assets created out of these loans might have been partially or wholly destroyed. In their cases, the outstandings in the existing term loans will have to be rescheduled suitably and the rescheduled loans will carry interest at 12.5% p.a.

A moratorium of 6 months should be allowed for payment of instalment/interest in the cases referred to at items (iv) and (v) above. Also interest on the loans in these cases should not be compounded.

//

In the case of loans/credit limits upto and inclusive of Rs. 25,000 no margin should be stipulated. In the case of loans/credit limits for amounts over Rs. 25,000/-, the grants/loans that may be given by the Government should serve as margin for the present and balance of margin required normally (10 per cent) should be built up gradually after the borrower starts earning income on regular basis.

6. *Security*

The banks should not ask for collateral security/third party guarantee for loans upto and inclusive of Rs. 25,000/-. In case of loans for replacement of household effects, hypothecation of assets should not be insisted upon. In other cases, normal security requirements such as hypothecation/pledge/mortgage of asset can be taken after the asset is acquired and the borrower rehabilitated. The credit limit/loan proposals otherwise viable should not be turned down merely for want of collateral security/third party guarantee. If the relaxation of security norms as above results in overall excess of clean loans at branch, necessary relaxation should be issued by the controlling office of the bank immediately.

7. *Documentation*

As the prime need is to help the riot victims to rehabilitate themselves quickly, banks should ensure that assistance is provided with utmost consideration, efficiency and promptness. It will be necessary to avoid hardships to the borrowers by eliminating unnecessary documentation and procedural formalities. Wherever necessary, higher officials from head office/controlling offices should visit the concerned branches promptly and sanction the loan applications. Loan sanctioning powers should be delegated suitably for the purpose. The banks should also set up special cells in their head offices/controlling offices to monitor disposal of applications and flow of assistance to affected persons.

8. *Refinance facilities*

Refinance facilities are already available from NABARD and IDBI. Credit guarantee cover is also available from DICGC. However, these institutions have been again advised by us to inform you separately about the special assistance/concessions that they can extend to the banks/financial corporations for helping affected persons who are to be covered under these guidelines.

9. *Facilities to other customers*

It is also not unlikely that apart from persons directly affected, there may be customers in the disturbed areas who could not carry on their normal functions. The banks should consider sanctioning adhoc credit limits, wherever required, on merits to meet the situation arising out of uncleared drafts/cheques

etc. of the customers. Further, it may not have been possible for such customers to adhere to usual credit discipline and stipulations of sanction. The banks should consider extending assistance to such borrowers to overcome their difficulties. The assistance may be in the nature of granting suitable relaxations for limited periods in terms and conditions such as, lowering of margin requirements (except in the case of commodities covered by selective credit control), rescheduling of repayment programme, exceeding norms for inventory and receivables, extending period of realisation of bills, etc. in individual cases, on merits. Similar concessions may be extended to parties under Credit Authorisation Scheme, where necessary, without prior authorisation but subject to reporting.

B—CIRCULAR DATED 12TH NOVEMBER, 1984 ISSUED BY SHRI M.V. HATE, DEPUTY GOVERNOR, RESERVE BANK OF INDIA, BOMBAY FOR BANK ASSISTANCE TO RIOT VICTIMS.

Bank Assistance to persons affected by recent disturbances

Please refer to our circular RPCD. No. PS. BC. 25/PS 126-84 dated 6 November, 1984 on the above subject. The matter has been further considered in consultation with Government of India and it has been decided to enlarge the concessions in bank finance to those affected by the disturbances, as indicated below.

(i) *Margin*

The exemption from margin requirements for advances upto Rs. 25,000/- has been extended to all advances upto and inclusive of Rs. 1 lakh. For advances in excess of this amount the stipulation referred to in paragraph 5 of our circular dated 6 November, 1984 will continue to apply

(ii) *Rate of interest*

The concessional rate of interest of 12.5% will apply to all fresh advances aggregating Rs. 5 lakhs granted to all categories of affected persons. This concessional rate of interest may be allowed for a period of 3 to 5 years for working capital finance and upto 7 years for term loans.

2. We would like to clarify that the concessions/relaxations to the affected persons would apply both in respect of working capital finance and term loans granted to them. We may also

mention that while assessing the credit needs of all categories of borrowers affected by the disturbances, banks need not take into account the insurance claims expected to be received in case the assets were insured. However, it should be ensured that the claim amounts, when received, are credited to the loan accounts of the borrowers concerned.

C—CIRCULAR DATED 14th NOVEMBER, 1984 ISSUED BY SHRI R.P. SATPUTE, CHIEF OFFICER, RESERVE BANK OF INDIA, BOMBAY FOR BANK ASSISTANCE TO RIOT VICTIMS

Bank Assistance to persons affected by recent disturbances

Please refer to our circulars RPCD. No PS. BC 25 and 26/PS. 126-84 dated 6 and 12 November, 1984. It has been considered necessary to give the following clarifications on some of the aspects referred to in the above circulars .

(i) *Identification of beneficiaries*

In the case of *existing* borrowers of banks who have been affected by the disturbances, it is not necessary for the banks to wait for identification by the competent authority in the State/ Union Territory. The banks can satisfy themselves that the borrowers have been affected by the disturbances and provide the necessary financial assistance for rehabilitation.

(ii) *Margin*

In the case of loans/credit limits in excess of Rs.1 lakh, the entire margin requirements (normally 15 to 25 %) can be built up gradually after the borrower starts acquiring income on a regular basis, where no subsidy/grant is available from the Government which can be related to the bank assistance.

D—CIRCULAR DATED 2ND APRIL, 1985 ISSUED BY SHRI P.K. PARTHASARATHY, JOINT CHIEF OFFICER, RESERVE BANK OF INDIA, BOMBAY FOR BANK ASSISTANCE TO RIOT VICTIMS

Bank Assistance to persons affected by recent disturbances

This is in continuation of our three circulars RPCD Nos.PS. BC. 25,26 and 27/PS. 126-84 dated 6,12 and 14 November, 1984 respectively on the above subject.

2. It has been reported that persons affected by recent disturbances have been experiencing delays in getting the necessary clearances for approaching bank for assistance and some of them have therefore, not been able to present their loan applications to the banks for sanction of financial assistance before 31 March, 1985. The matter has been considered by us and it has been decided to extend the period upto which banks can entertain applications for financial assistance to the persons affected by recent disturbances in terms of the guidelines indicated in the above circulars upto 30th June, 1985. The banks are, therefore, advised to extend the facilities under the above three circulars to the riot-affected persons in respect of all applications received upto 30th June, 1985. Suitable instructions may be issued immediately to your controlling offices and branches concerned.

ANNEXURE XXXVIII

(Ref. Ch.VI. para 6.15)

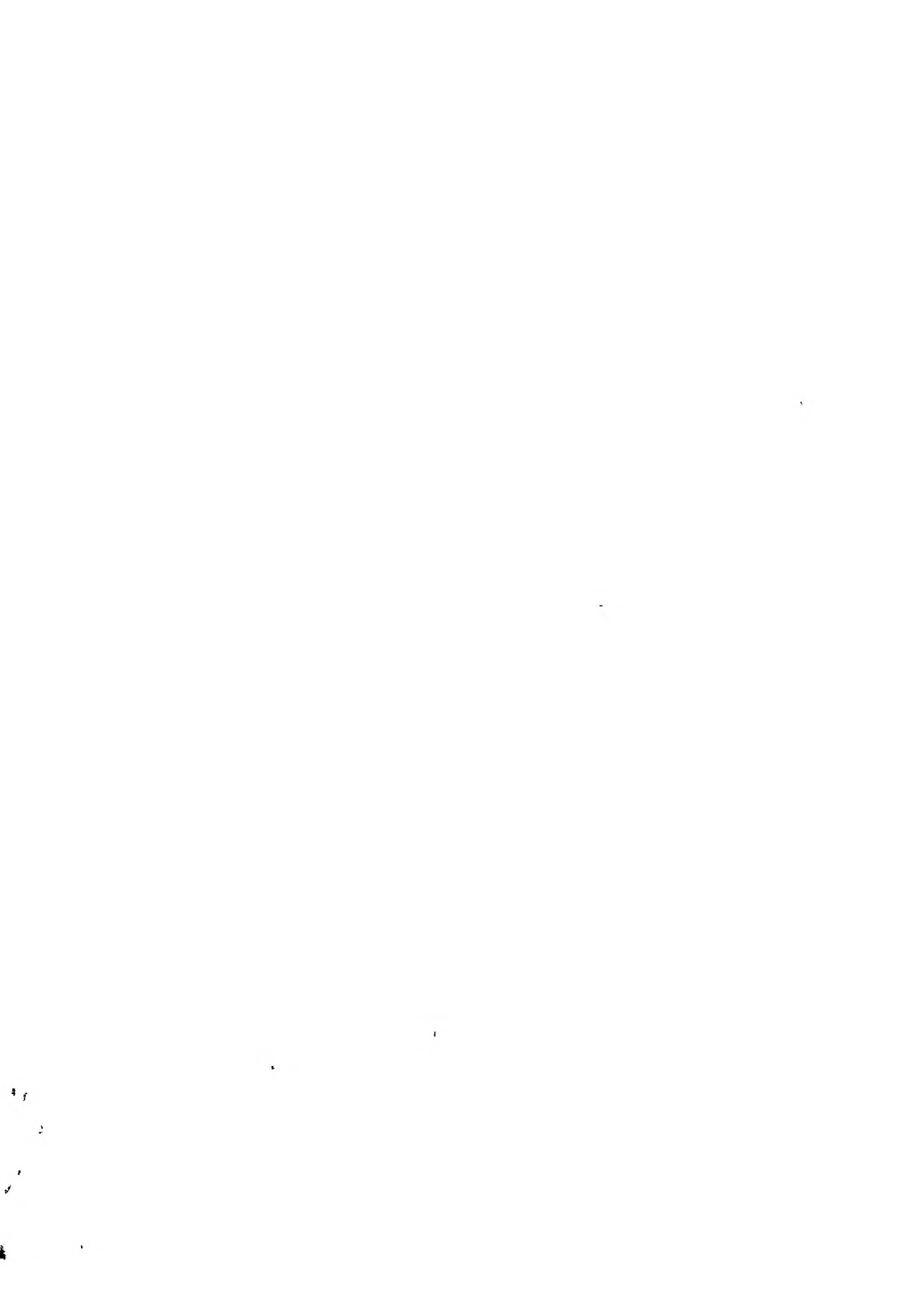
THE MAHARASHTRA RIOTS OF MAY, 1984

PRELIMINARY REPORT

By

**TABRIK CURRIMBHOY
SPECIAL INVESTIGATOR & REPRESENTATIVE
MINORITIES COMMISSION,
NEW DELHI**

11TH AUGUST, 1984



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I. INTRODUCTION

1. In the wake of the Shiv Sena war-cry "Quran Choro Ya Phir Hindustan Choro", Bombay. Thane and Bhiwandi were engulfed in the frenzy of communal madness for 10 shattering days. The accumulated tensions that had been building up since Bal Thakeray had launched, in January, 1984, his "Quit India Movement" to drive out "anti-national" Muslims from the country, finally led to the incident which is supposed to have 'sparked' the Maharashtra Riots—the 11 May affair at Parbhani where the Shiv Sena Chief's Portrait was garlanded with chappals by A.R. Khan, a Muslim MLA. This led to Shiv Sena bandhs in Bombay and a war of flags in Bhiwandi. Saffron and Green symbolically fought for supremacy in an atmosphere of tension which had been building up in the town since a Shiva Jayanti procession some days earlier.

2. On the 18th of May, Bhiwandi, Bombay and Thane exploded in an orgy of violence which neither the Government of Maharashtra nor its police could control. Eventually, only the Army could restore peace but not before over 250 people had lost their lives, hundreds more had been seriously injured and crores worth of property destroyed or looted.

3. This investigation was started on behalf of the Minorities' Commission between the initial outburst in May and the recurrence of the communal situation in Bombay towards the end of June. All the affected areas were visited, some several times and a large cross section of people interviewed. The accent was more on meeting the people and relief workers rather than administrative officials who were, because of their utter failure to control the riots, on the defensive. This report does not reflect a judicial approach but voices the opinion of a number of people who felt the effects or were actually involved in the rioting. What is evident is that the communal rioting in Maharashtra was not the result of complex intricate reasons as many would be inclined to think. The causes were simple and clear and so was the responsibility which must be fixed.

4. Unfortunately, in Maharashtra, a popular leader like Shivaji has, by insidious propaganda by communal elements

over the decades been represented as an anti Muslim warrior. Communalism has therefore become part of the so called Shivaji culture propounded by regional and communal elements within the state and its existence within some sections of the Maharashtrian Hindu population cannot be denied. These deep-rooted feelings against the Muslims have been fanned by anti-national parties like the Shiv Sena, Hindu Mahasabha and the RSS. Their communal politics have repeatedly questioned the loyalty of the Muslims to their country and crammed into the heads of the Hindus the false propaganda that the ever increasing population of the former will one day overwhelm India. This has caused a deep hostility amongst many Maharashtrian Hindus who otherwise would ignore such rabid calls.

5. In such a situation, therefore, it is not at all surprising to discover that in the current riots, mainly Marathi Hindus were involved. The rest of the Hindus—Gujarati, Marwadi and South Indian—remained neutral and, in many cases, were openly sympathetic to the Muslims. But what is surprising and very disturbing is the fact that the communal ferocity came not only from the older traditionalists or fanatics but from the younger people in their teens and twenties. Tolerance or secularism are empty slogans in their minds. This applies to both Hindus & Muslims. The people who actually took to the streets and indulged in the communal orgy in Maharashtra were, shockingly, young men. Gangs of youth in both urban and semi-urban areas fought on the streets in mindless communal frenzy.

6. So we find that this conflict, with the youth at its forefront, was purely Maratha-Muslim in nature caused and fueled by the Shiv Sena—a conflict which also got out of hand by the inaction of Vasantrao Patil, Chief Minister of Maharashtra. His failure to object to the rabid communalism of Bal Thackeray and, more so, his fear or 'repercussions' in case he took any action, led to a chaotic and uncontrollable situation. The impotency of the Government became so obvious that even the Chief Law Enforcement Officer of Bombay, Commissioner of Police, Julio Reberio, issued a circular to his Officers in which he asked: "I want to know who is ruling this City—the administration or the Shiv Sena?"

7. The violence in Bombay City and Thane was erratic. Though local animosities and petty factors played their part, the communal nature of the conflict was obvious. Wherever Muslims resided in small scattered groups, they were attacked by Maharashtrian Hindus—Shiv Sainiks in particular—and their

homes were destroyed and belongings looted. This was especially obvious in the Eastern suburbs of Ghatkopar, Vikhroli, Bhandup and Thane. In many cases, the Zoparpatties were attacked by sword-wielding hooligans from outside who directed their well planned offensive against not only the persons and homes of the Muslims but also their means of livelihood such as shops, Rickshaws, stalls and tongas. When huts were plundered, nothing was left. The one ray of hope in this horrible situation was the fact that the non-Maharashtrian Hindus, in most of these localities, actively helped the Muslims to fight against the attackers. In the process, one finds that many non-Maharashtrian Hindu homes were attacked and some destroyed by the Shiv Sainiks who were bent on teaching them a lesson for siding with the Muslims.

8. Kamathipura, Kumbharwada, Dongri, Byculla, Mazgaon. Pydhonic—areas in which Hindus and Muslims have lived side by side for years—were among the first to explode. In these areas, there were no large scale 'attacks' as such. Provocation came in the form of Shiv Sena Boards that were put up in all these areas, proclaiming 'Quran Choro Ya Hindustan Choro' and processions of Shiv Sainiks who roamed the city with banners about 'deshdrohi Muslims'. Astounding was the fact that they were allowed to do so. People were bound to explode with such blatant provocation. Mobs of Hindus and Muslims gathered in these localities and fought with stones, bottles and fireballs, with both sides claiming the other started it. The police became the laughing stock of the City as their inability to control, even the smallest outbreak, became obvious. That is why when the Military drove into Byculla, residents clapped and cheered, shouting 'welcome' from their balconies.

9. Sporadic violence went on in Bombay for 10 days. There was no pattern and no telling where and when an outburst would take place next. Bhiwandi, on the other hand, was different both in the nature of the rioting and in its scope but here again the Shiv Sena played a lead role. However, in addition, unlike Bombay, the hand of the BJP, RSS and the Hindu Mahasabha was also clearly evident.

10. Bhiwandi is a fast expanding town of powerlooms controlled by the U.P. Muslims. Therefore, there has, over the years, been a strong tendency on the part of the U.P. Muslims to migrate to Bhiwandi. The town has seen an explosion in population over the last decade mainly in terms of Muslims who now constitute the majority. This has steadily eroded the political base of Hindu communal parties in terms of the election equation. In

such a situation, the propaganda, that Muslims as a people are growing faster than Hindus and may overtake them one day, becomes effective. Bhiwandi has become the concrete manifestation of communal propaganda as another 'Pakistan' and the 'Muslim Boom'. It 'proves' the fact that the Muslim population is growing beyond all proportions. No illiterate villager, or the conservative urban middle class Maharashtrian, both victims of strong prejudices, would go into the economic aspects of the situation and doubt the word of parties such as the Shiv Sena, Hindu Mahasabha and the BJP. These parties, having lost their base in Bhiwandi, have been active in the villages surrounding it. Therefore, one finds without too much surprise that this time attacked on Bhiwandi came from the villages surrounding it and 'nagars', in which the U.P. migrant workers lived on the outskirts of Bhiwandi, were destroyed.

11. The scale on which weapons were used is also significant. Swords, country-made guns and fireballs were employed on a mass scale. Much organization and money must have gone into arranging such weapons not only in Bhiwandi but also in Bombay. Curved swords are, after all, not weapons of everyday use and cannot be made in a day. Once again, it becomes obvious in Bhiwandi that the hordes that attacked the bastis surrounding the town were mainly youngsters drawn from the villages— young villagers aroused by untrue communal propaganda by the edge of economic necessity and the parallel object of eliminating a center of Muslim prosperity.

II. THE SHIV SENA

12. In Bombay, Thane and Bhiwandi, rapid economic development and a burst of modernization in industry has brought an increase in the feeling of insecurity amongst the middleclass Maharashtrian Hindus. They understand the concept of the linguistic state which, since Independence, has given them a sense of security. But with the relentless progress of modernization and time, there has been a mass migration from other linguistic areas into Bombay and the industrial satellite towns around it. The Maharashtrian composition of this belt has been diluted leading to a potentially explosive situation ready to ignite. Almost everynight, the Marathi population in these areas have become a minority—Culturally, they feel 'submerged'. Their response is an acceptance and support of any cause that may 'protect' them from cultural extinction. The Shiv Sena has been able to exploit and channel this feeling of rage initially into anti-south

Indian and Gujarati feelings and now into an anti-Muslim Movement. The 'Cultural submersion' is today shown to be the consequence of the migration of Muslims to Maharashtra from the South, Gujarat and U.P. This continuous propaganda of the Shiv Sena and other communal parties has made deep inroads into the psyche of the insecure Marathas. As has been pointed out in the Introduction, it is therefore, not surprising that in the current riots, it was mainly the Marathi Hindus who fought on the streets with the Muslims—the rest of the Hindus remaining either neutral or actively sympathetic to the Muslims.

13. The Shiv Sena Cadre is drawn from anti-social elements and their power lies in the fear they inspire as extortionists, goondas and arsonists. Time and again, Bombay has tasted their wrath in the form of violent bandhs. Their origins lie as strike breakers. In the sixties and early seventies, the Shiv Sena drew its main support from the industrialists and were used to fight communist led strikes in the factories of Bombay. Thus they did very successfully and they broke the back of the Communist Unions in Bombay.

14. In the late sixties, the Shiv Sena also projected themselves as defenders of Maharashtrian interests in Bombay against South Indian 'encroachers'. Bal Thackeray would publish lists of South Indian executives in every issue of his magazine *Marmik* and count the number of South Indians in the directory. This campaign culminated in the Shiv Sena—South Indian riots of 1969. Over the years, this campaign of the Shiv Sena has yielded results. The Government passed rules stipulating 80% employment for locals and the Shiv Sena formed "Sihaniya Lok Adhikar Samities" (Local People's Rights bodies) which saw to it that 'outsiders' had a tough time getting jobs, especially in Banks. At the same time, with their increasing power, they went into the extortion racket which today is their main source of finance. 'Protection' money is the name of the game and political power in Maharashtra has become their ultimate goal. Instead, however, over the last 5 years, the Shiv Sena began to go into a steep decline. Its limited appeal became even more limited with the growth of cosmopolitan Bombay. The Mill strike also played a significant role in its loss of popularity. Bal Thackeray denounced the strike and since most of the strikers were Maharashtrian workers, he lost their support. Thackeray realised his mistake soon enough. The Shiv Sena had become a spent force. Many sainiks were deserting the party and joining others. The Shiv Sena was on the verge of extinction. Smugglers and other criminal elements had moved into their areas and were taking

over their protection rackets slowly but surely. Thakeray had to do something so that the Shiv Sena could regain its old base. With the whiff of a Hindu revivalist movement backed by obscurantist parties already in the air around the country, Bal Thakeray jumped on to the communal bandwagon and made common cause with other such parties. The ethos is after all the same—Bal Thakeray is an ex-RSS man. Coupled with this is the fact that he has strong political ambitions. He also wants to project himself beyond the Boundaries of Maharashtra and shed the stigma that he is a Maratha Chauvanist.

15. On 22nd January, he came out into the open and declared at a party convention: "The Shiv Sena will soon plan a movement on the lines of the Quit India Movement to drive out anti-national Muslims from the country. Only those Muslims, who accept the civil code, anti cow slaughter and the concept of Hindu Rashtra, will be allowed to stay in the country". He also announced the formation of a new party called the 'Hindu Sena' which he later diluted to call the Hindu Mahasangh to give it a broader political acceptability. Then started Bal Thakeray's vituperation against the Muslims. From January 22 started an endless stream of ugly abuse constantly repeated by all his Sainiks. Such was the pace and frenzy of these anti-Muslim tirades that a reaction or eruption was bound to take place. His fanaticism is evident from some quotations, on record, either in speeches, interviews or his writings in the Press;

"Landyas (a term of insult referring to the circumcision of Muslims) did not have any moral right to stay in India as they were responsible for Pakistan."

"Landyas are like cancer and cancer is an incurable disease that has to be operated upon."

"Hathiyar Uthao, Cancer Bhagao".

"India belongs to the Hindus and it is our birthright to have religious processions in our own country. The Muslims cannot be allowed this freedom".

"The growing Muslim population is a threat to the country ... It has now crossed 14 crores. A time will come when Pakistan need not attack India. "They" will outnumber us in India.. ...The country will one day be in grave danger. There can be no compromise on this issue".

"The Indian Muslims have not proved their bonafides; They have not merged with this country."

"We have a large Muslim Lobby... ..This is very dangerous."

"The Hindu-Muslim Fight is based on religion. It is their fanaticism."

"They want to convert the whole world to Islam."

Isn't it, therefore, my duty to save my country from this Islamic trend ?

"This Pro-Muslim attitude of the Nehru Family is ruining unity and national integrity. They are creating walls, pampering and spoiling."

Many such rabidly anti-Muslim statements were made by Bal Thakeray—all recorded and documented. Any one of them could have been enough to have had him arrested under either the NSA or under section 153A of the Indian Penal Code which clearly states that any person can be held for 'Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language etc., and doing acts prejudicial to maintenance of harmony.'

16. Commenting on the role of the Shiv Sena, one political commentator has aptly said that "Pakistan is the greatest gift an Indian fascist could have hoped for. He can now exploit a permanent sense of injury and, at the same time, channel it against the "Jew" of modern India.—the Muslims : large enough to count as a respectable enemy, weak enough to be attacked with immunity. This fact has been repeatedly—and successfully exploited by Bal Thakeray".

17. Thakeray had always written about the 'green danger' to India. The hysteria whipped up by some parties over the Meenakshipuram conversions of 1982 was supported by the Shiv Senas. Bal Thakeray's magazine 'Marmik' now switched the contents of his infamous South Indian 'Lists'. Now, names of Muslim offenders compiled from Police Statistics were published to prove that the majority of criminals in Bombay were Muslims. Shiv Sena thus build up a campaign against Muslims right from January which finally culminated in the May outbreak of communal rioting.

18. Whenever a Shiv Sainik worker is asked why he hates Muslims, the reply is standard and a repetition of his 'Pramukhs' communal gospel : "The Muslims are increasing because they marry four times and donot practice a family planning ; if they don't overtake us—which they will, at least carve out another Pakistan. They clap and cheer for Pakistan during Cricket and Hockey matches, hence they are traitors". The Sainiks feel that the 'Muslims fear only their Allah' and until they change their 'aggressive' attitutde, the riots will continue. They see this 'aggressive' attitude in a statement reported to have been made by C.M. Banatwalla, President of the Muslim League that "rivers of blood will flow if Shiva Jayanti was celebrated in Bhiwandi" (Banatwalla denied that he made such statement) They also quote Imam Bhukhari's statement demanding that Bal Thakeray be externed from Maharashtra as a 'sign' of this 'aggressiveness'. The answer to this 'aggressive' attitude is the militancy of the Maharashtrians. "Because we are descendents of Shivaji, we can not allow the Muslims to spread in Maharashtra"

19. According to the Shiv Sena Leaders. It was the 'spontaneous' anger of the 'boys' over the Parbhani 'Chappal' incident that led to the Bombay-wide bandhs which in turn led to communal violence. And it was in 'spontaneous' reaction to the rumours that Hindus had been massacred en-masse at the start of the Bhiwandi riots, that Mushms were attacked in Thane and the riot spread to Bombay. Of course, as we shall see later on in the course of this Report that one significant fact that strikes the eye before everything else is that this 'spontaneity' was of a most peculiar kind. Almost to the hour, simultaneously, Bhiwandi, Thane and Bombay erupted on the same day—Friday 18th May. It proved beyound ashred of doubt that the Shiv Sena had carefully planned the whole series of incidents in all three places with military precision and was now trying to cover up its actions by a blanket of lies. Their attitude is shockingly clear as one section of their leadership blindly admit that 'in a sense' the riot was a 'good thing'. They taught the Muslims a lesson they will never forget. The second reason why they are so happy is the expectation that they are now going to be regarded as 'defenders of Hindus' in Bombay.

III. ECONOMIC FACTORS

20. Bombay presents India's greatest paradox. At once it is the richest and yet also the poorest of India's cities. Nearly 75% of this throbbing metropolis citizens lives below or near

the poverty line with a per capita income which does not exceed Rs 150 per month. Bombay, with its nearly 10 million people, is a prima example of a City unable to support its population. The pathetic living conditions have assumed explosive proportions. Nearly 100,000 households are without any shelter at all. 77.4% of the households in Bombay are residing in one room units. 11 lac tenements in the city have outlived their life and over 80,000 households have more than one family using them in shifts. About 40% to 45% of the total population lives in the slums in intolerable conditions—conditions which have to be seen to be believed. The recent riots brought home the fact that most of the rioting took place in the vast slums of the city slums which today house-smugglers, criminals, bootleggers, extortion and prostitution rackets and other nefarious activities. They are a haven for criminals of the worst kind. The result has been the growth of slum lords often divided on communal lines. With the slum lords and the local 'dadas' having the police in their pockets, protection money is demanded by the goondas of the locality. The Shiv Sena income is from the protection racket. They have carved out spheres of influence in almost all the slums of Bombay and, as a result, have come into conflict with other criminal gangs of Bombay's underworld. The ambition of the Shiv Sena has always been to get the entire slice of the underworld cake to take control over the 'Matka' gambling and boot legging syndicates and most of all, to take over the lucrative dock pilferage business from Muslim gangsters.

21. Large parts of Bombay have also been settled by the slum dwellers and many of slum lords have a great deal to gain by the whole-scale eviction of these people from prime real estate worth crores. Of course, coincidence or not, many of these so called slum lords are top Shiv Sena Leaders. As Iqbal Masud, a political commentator, who was interviewed in depth during the investigation puts it: "The whole business of reference to the Holy Prophet (this reference is dealt with under the Role of the Newspapers) and the Muslim are over it is suspiciously beginning to look like a screen of 'respectability' to cover the destruction of hutments for very non-religious gains". This could have been one of the aims of the Shiv Sena and other criminals in provoking the riots. Bombay's infamous smugglers may also have taken advantage of the situation.

22. The slums, unemployment of youngmen and the growth of anti-social activities, alongwith the fabulous wealth of the Bombay Rich, has created a wide track for smuggling. The

insatiable demand for foreign goods including electronics, gold and chemicals have made smuggling a big business. The smugglers have become literally Bombay's Mafia and 'Don's' such as Haji Mastan, Karim Lala, Yusuf Patel and Vardrajan Mudaliar reign supreme. Over the years, many of them have acquired a social acceptability—Carefully cultivated. Recently with the arrest of some of these top smugglers under the NSA the question arises if these figures, who control a major chunk of the City's underworld business, were really involved or caused the communal rioting in Bombay. On the face of it there seem very little to link Lala, Patel and Vardrajan with the riots. Only a definite link with the biggest of them all, Haji Mastan, has been established. When a gangster was nabbed during the riots with gunpowder, the trail led the police to Haji Mastan's Dongri based 'Peoples Secretariat'—a so called Social service organization to help needy Muslims of the area. A large number of crude bombs were found. It is possible that Mastan and his supporters provided this material to Muslim residents of the area for 'Self defence against the attacking Shiv Sena hordes and also to prevent the sainiks from muscling into their criminal activities especially in the docks. Undoubtedly, there is a lot of sympathy in the area amongst the Muslims for Mastan in particular, probably because he has for years distributed large amounts of money as loans and financial support to the poor traders of the area. This 'Robin Hood' aura that surrounds Haji Mastan lends credence of the theory that when the riots erupted, the Muslims of the area appealed to him for 'protection' to which he readily responded by also roping in his other 'colleagues' like Yusuf Patel and Karim Lala, Vardrajan Mudaliar—a South Indian big time don and supporter of Haji Mastan may also have given his support to the Muslims. Mastan's popularity in the riot affected areas of Nagpada, Dongri and Mohammedali Road is evident from the fact that on his arrest, the Muslims of these areas called for a 'hartal' on 7 July despite a government warning.

23. The economic factor also plays a significant role in explaining the riots that hit Bhiwandi. Here, one observes that an overwhelming number of Muslims have displaced the traditional Maharashtrian labour. The Muslims have become a visible economic force perhaps at the expense of the Maharashtrian labour. Also migrant labour coming from other states had settled on the outskirts of Bhiwandi on land claimed as grazing grounds by the villagers of surrounding areas. This probably explains the fact that it was these settlements around Bhiwandi of migrant labour that were razed to the ground by the attacks

from the villages surrounding Bhiwandi. In addition to this was the fact that the growing prosperity of the Muslims could only cause resentment amongst the less successful Maharashtrians who could easily be aroused by the communal calls of parties such as the BJP, RSS and the Shiv Sena. (See details in Appendix I.)

24. As a final point, while discussing the economic factors behind the riots, a brief look into the future may be in order. Investigations in depth in Bombay, Poona, Thane, Bhiwandi and villages surrounding Bhiwandi have revealed an economic edge to the communal problem which is growing as the years go by. The Muslims in these areas over the last 20 years have become amongst the most prosperous in the country. Economic prosperity has given them a sense of confidence, and a natural desire to assert their own identity has come to the fore. Unfortunately, this has manifested itself in one direction which is not in the best interests of the community. In the past, in these urban and semi urban centres, there used to be neighbourhood schools or in the case of a village—one village school. All children of the locality used to study in either Marathi or Hindi Medium and the children of all communities were educated together in the local language and ethos irrespective of religion. This has two advantages. Firstly, as intermingling of children of different religions provided at least some sort of cultural intercourse where by friendships could be developed cutting across all religious barriers. Exposing of the young to other religious system was one way to overcome deep rooted religious prejudices taught by the traditional environment of their homes. As Charles Lamb said: "Don't introduce me to that man I want to go on hating him, but I can't hate a man whom I know." Secondly, the presence of children of other religions provided some sort of a check in the teachers from teaching with any marked communal stance and taking liberties with History. A Muslim child hearing an anti Muslim tirade from his teachers may well complain to his parents who would in turn put pressure on the school. However, today this has changed in Maharashtra. The Muslims have established their own schools with Urdu as the Medium. No longer are the young exposed to each others religious systems. No longer is there any check in the teaching of actually inaccurate and mischievous interpretations of historical events which perpetuate prejudice between different communities. Muslim children should know Urdu but not to the extent that separate schools have to be established for Muslims and secular education in mixed schools dies a natural death. What is Worse, however,

is the fact that many of these comparatively new Muslim schools have neglected the local language Marathi and Hindi and concentrated mainly on Urdu and Islamic values. The result is that whole generation of Muslims is growing up separate from the community at large. They are growing up with the cultural heritage of the northern Muslims. Even though they are Maharashtrians, they have not imbibed the culture of Maharashtra. This is not a healthy sign for the future and national integration. But what is more disturbing are the repercussions and long-term implications. Those young Muslim boys and girls, when they seek jobs in the Government or in the private sector, will find that a lack of fluency in Marathi, Hindi and English will deny them jobs in a highly competitive situation where employment is difficult to come by. Given their isolation from the mainstream communalism is bound to emerge with rejection. It is a paradox. With the economic prosperity of their families, side by side will emerge an economic frustration of a coming generation leading to a situation ripe for communal exploitation.

IV OTHER FACTORS IN THE RIOTS

25. THE ROLE OF THE PAPERS : one of the sparks that lit the fire in Bombay, Thane and Bhivandi was released from the pages of a little Urdu rag at Mohammedali Road—the 'Akhabar-e-Alam' (circulation 15000). In its May 13 issue, it published some extracts from a speech by Bal Thakeray which made amply clear that the latter had made derogatory references to the paigamber, the Prophet Mohammed. Printed in banner headlines on the first page of the newspaper were the words "The Prophet of the Muslims used to clean out toilets, says Bal Thakeray". Thakeray agrees that he had said that (1) Muslims were a cancer that could be removed only after an operation; (2) that he had used the abusive 'landey' in his speech and (3) that he had said that the Gandhi family were 'landey premis'. But he denied that he had made derogatory references to the prophet. The State Government took Bal Thakeray at face value. No action was even taken for the rest of the statements which he made. Among the Muslims who claim to have listened to a tape-recording of Bal Thakeray's speech, there are some who say that Thakeray had been misquoted by the Akhabar-e-Alam; that Thakeray had made references to the prophet altruistically cleaning the droppings of an ungrateful guest; and that Editor, Zahid Khalil had exaggerated the references. Zahid, however, claims that Thakeray's speech was published verbatim. Without a tape recording of the

original speech, it is difficult to verify either the claims or counterclaims; but one cannot dismiss the fact that the Akhbar-e-Alam indulged in the most irresponsible form of journalism. It certainly seems as though the whole attitude of the paper was aimed at arousing the passions of the Muslims and fanning communal hatred. Allegations have been made that copies of the Akhbar-e-Alam were available in Bhiwandi and other outside stations much earlier than they are normally sent. This is denied by the Editor. In any case, the printed material and attitude and tone of the reporting was of such an obnoxious nature that no self-respecting Muslim could have brought himself to print such matter. Of course, Zahid Khalil could have indulged in such sensationalism to increase the circulation of his newly started (only Six months old) Paper. Whatever may be the case, the Akhbar-e-Alam had no right to publish such extracts during the tension filled days proceeding the riots. There seems to be some method behind its madness. Was the Article 'planted' by interested elements bent on creating trouble? Who were these elements? The antecedents and credentials of Akhbar-e-Alam's editor, Zahid Khalil need to be closely examined by the authorities.

26. Much criticism has also been hurled at the rest of the Urdu Press for playing up and reporting all of Bal Thakeray's speeches over the months, and as a result, inflaming Muslim resentment against the Hindus. However, let us clear about one point. All the Urdu Press is not like the Akhbar-e-Alam. Most of the papers have been around for many years and their general reputation is one of mild and sober reporting. Obviously they had to print what Bal Thakeray said. After all, who else is going to bring to the attention of the people and, more important to the government, the presence of such communalists. The important fact here is not why did the Urdu Press report the speeches of Bal Thakeray but why was the man allowed in the first place to get away with such blatant communalism.

27. On the other side, mention must also be made of the Marathi Pune based Weekly 'Sobat' which was also responsible for disturbing the situation with its writings. What is significant about this particular Weekly is that it had already been charged by the Madan Commission with inciting communal feelings during the 1970 riots. Sobat carried an Article in its issue of 6th May titled "Muslims cannot stay in India". It was the usual anti-Muslim tirade. The 'go back to Pakistan, you traitors' attitude that has become so common amongst Hindu communalists was

reflected in this highly inflammatory Article written in the worst possible taste. What made matters worse was that photostat copies of this Article were distributed in the Muslim localities of Bombay, Thane and Bhiwandi. Once again, it is upto the Authorities to investigate this matter fully and completely.

28. FOREIGN ELEMENTS : No direct participation of any foreigner in these riots is obvious. However, what is a fact is that over 8000 Pakistani nationals have overstayed their Visas in Bombay. That some of them may have had a hand in instigating or adding fuel to the riots is not impossible. In this regard, one must point out that a thorough investigation should be made of the antecedents of the people in the Cheetah Camp near Trombay and the Bhabha Atomic Research Centre. The trauma suffered by these people during the riots (80% of them are Muslims) could make them respective to all kinds of anti-national propaganda (the Cheetah episode is discussed fully in Appendix-III) Foreign elements infiltrating this Camp is also possible. A close watch should be kept on the Cheetah Camp both for reasons of its communal sensitivity and its proximity to the BARC which makes this Camp a security risk.

V THE ROLE OF THE GOVERNMENT

29. Communal tension was being created over the last four months by the inflammatory speeches of Bal Thakeray which were being made all over Maharashtra. His Speeches were widely reported in the Press and must have come to the notice of the Government and the Police. Yet no action was taken against the Shiv Sena Leader. Not even an attempt was made to ask him to tone down his utterances. The Government had more than enough time to gather information and nip the trouble in the bud. For example, the April 21 speech held at Chowpathy Beach was vituperative enough (see Chapter II) to have had him arrested.

30. The Parbhani reaction to Thakeray's rabid Communalism should also have stirred the Government in to action, especially when in reaction to the 'chappal garlanding', the Shiv Sena forced bandhs in several parts of Bombay starting Wednesday May 16. Simultaneously, Shiv Sena Boards abusing Muslims came up all over the City observed by thousands of people. In fact, on Thursday 17 evening, the authorities allowed the Shiv Sainiks to hold a mass rally at Chowpathy Beach where nothing but abuses to Muslims were broadcast over loudspeakers. On May 18th the City, Thane and Bhiwandi blow up at the same time

supposedly catching the authorities by 'surprise'. Without exception, all interviewed in the course of this enquiry speak about the obvious tension in the City and the open insults and dirty slogans hurled at the Muslims by the Sainiks. The Government is well aware of the fact that Thakeray's Shiv Sainiks have held Bombay to ransom time and again in the past-the riots of February 1969 being the most infamous. Thakeray is also well known for his successful implementation of violent bandhs in the City-time and again-at will. The total irresponsibility of the Bombay Police and the Administration becomes evident when one observes that, for the first time, they actively allowed a series of bandhs on a communal matter to bring life to a standstill a couple of days before the riots broke out. Inexplicably, the bandhs were allowed to continue for 3 consecutive days when the Sainiks closed not only shops, but also partially crippled commercial activity by enforcing the closure of banks in the financial heart of the City-Fort. Policemen watched unconcerned as swaggering, Sainiks shouting anti-Muslim slogans of the worst kind closed areas hardly a kilometer away from both the offices of Julio Reberro, Police Chief and Vasantdada Patil, Chief Minister. In fact, so out-rageous was the role of the Police in the days preceding the riots that in several parts of the City, Policemen were seen escorting groups of Sainiks as the latter went about enforcing 'spontaneous bandhs'. The police deny this vehemently but facts are facts and the people of Bombay are the witnesses to it. The question also is that the Police freely admit that the Sainiks forcibly enforced the bandhs. Is not any forcible closure of business an outright disturbance of the peace? For lesser crimes, people have been arrested. Why did the Police stand by and watch such blatant breaking of the law? The Government took action against the Shiv Sena Leaders only a month after the riots had broken out when tension was once again building up in the City and a fresh bout of rioting was almost certain. Why did the Government arrest the 600 Sainiks so late and not in May during the riots? The excuse that it would have inflamed the situation does not hold water. By not arresting them in May riots were the result. By arresting them a month later the government prevented a recurrence of the violence but there was no reaction from the Sena. None at all. Another unpalatable fact is that after the top Shiv Sena Leader & rabid Communalist, Madhukar Sarpotdar, was arrested under NSA to prevent a recurrence of the riots, his sudden, unexpected and widely condemned release coincided with the MLC elections where Vasantdada Patil was falling short of votes and needed Shiv Sena help. One does not have to speculate about this cynical quid-pro-quo on the part of the Government. It can only be

roundly condemned in the strongest possible terms. Going back to the matter of the Government being caught by 'surprise', let us examine some more instances where the situation was more than obvious. On April 21, the Hindu Maha sangh was formed in Bombay under the Presidentship of Bal Thackeray and Vice-presidentship of Vikram Svarkar of the Hindu Mahasabha. It was an association of Hindu Bodies like the Hindu Sena (described as the 'Militant wing of the Hindu Mahasabha'), the Patit Pawan Sanghatana (active in the Hindu-Muslim riots in Pune in 1982 and Shahada in 1983 and responsible for the massacre of Adiyasis in Dhule district in March, 1984), the Hindu Ekta Samiti, etc. All these organizations had been active in and around Bhiwandi during the past year and took part in the Shivaji Jayanti Procession. Its composition and aims and the anti-Muslim tirade voiced during its inaugural meeting should have forewarned the government.

31. In fact, must before April, the virulent anti-Muslim hysteria that all these organizations and the Shiv Sena in particular had been building up both in and around Bhiwandi and Bombay City and its suburbs was more than obvious. If the Government had just taken note of the vile abuses that Bal Thackeray was hurling at the Muslims since his January meeting (see Chapter II), it would have known that something was up. But Vasantdada didn't take him 'seriously' despite the former's reputation as a dangerous rabble rousing chauvinist.

32. Vasantdada Patil has himself admitted that tension had been building up in Bhiwandi when some Muslims attempted to hoist green flags near the Shiv Sena Office leading to altercations which were sorted out with the Police. However, violence erupted that night and even though the town was put under curfew, nothing could control the ensuing violence the next morning. The State Government did not take pre-emptive action, even though the situation was explosive. Tension in the power-loom town had been growing since Vasant Rao Patil's mistake in granting permission to the Shiv Sena for holding the Shivaji Jayanti Procession after a gap of 14 years. Though the Procession did pass off without any major incident some days earlier, it did cause an underlying turbulence in the area.

33. Though there were several indications that trouble was brewing, Police Commissioner Reberro, was unaware of the Purbhani Procession on May 11 till the Shiv Sena started calling for bandhs because Bal Thackeray's portrait has been garlanded

with chappals. Likewise, the Police Commissioner of Thane, Ramachandran, under whose jurisdiction Bhiwandi falls, was unaware of the deep resentment caused among the Muslims of Bhiwandi by the contents of Akhbar-e-Alam (see, Chapter IV) till when the first clash occurred. Akhbar-e-Alam was published on May 13 and 300 copies of the Paper had been sold in the powerloom town. Thereafter, its contents had spread like wild fire amongst the angry Muslims. The Home Department should have alerted both the Commissioners of Police to watch out for any reaction to the Parbhani incident. Copies of the Akhbar-e-Alam should also have been impounded pending investigation. However, nothing was done.

34. The Government seemed to lack "a sense of urgency". No alarm was visible at this greatest crisis that Maharashtra had ever experienced. Mr. Patil got together film stars and suggested that people put up white 'peace flags' and sing hymns. Such naive and incredibly casual statements symbolised his attitude. The impression of the people of Bombay about their Chief Minister has angrily been summed up in an editorial of a leading paper as "... of an indolent and slack Chief Minister who is completely clueless about what is going on and what should be done.... Mr. Patil, besides vacillation and inability, has shown a lack of sensitivity and concern which cannot be condoned. With over 200 people dead, he feels no judicial probe is necessary. He holds two or three Urdu Papers largely responsible for the riots. He cannot institute proceedings against Thakeray's speech because he is still waiting for the cassette from Thakeray..... Is this man a Chief Minister or a clown?"

35. Its not that Vasantdada cannot exert himself when he wants to. He did, for example, handle the situation firmly during the second round of rioting but, during the first bout, he hardly budged. He was often shown on Doordarshan in deep consultations with colleagues in a somber and serious mood; but never at a relief camp, hospital, or at a trouble spot. When Prime Minister, Indira Gandhi, came to the Muslim localities and went around in an angry environment, he was just sitting in his car. In his own words, he justifies this : "You know that I have trouble with my leg. I can't walk properly. There was a big crowd that day. I would have fallen had I tried to come out, and the Police would have charged and the crowd to save me. Moreover, Mrs. Gandhi & Governor Latif, were already talking to the people. There was no need for me to come out". The man indicts himself by this hollow excuse. He all but admits that he

was scared as the Police would have "charged the crowd to save me". Why should the Police charge the crowd if the CM falls due to a bad leg? Does he not have aids and a walking stick to prevent a fall. All excuses of a man so nervous of the peoples' anger that even the presence of the Prime Minister did not assure him of his safety. What is worse is that thousands of viewers saw this incident on TV. One can imagine what kind of an impression this created amongst them. How can a Chief Minister survive if he is afraid to face the people? After all if the Prime Minister could face an angry crowd, why couldn't the Chief Minister? These are the actual comments of people interviewed—withstanding any justification which Dada may give. The average Bombayite is saying "what kind of a Chief Minister is this?"

36. As far as the Muslims are concerned, the reaction is worse. For them, Vasantdada Patil is an 'adversary figure'. They don't see him as an in-effective leader; they see him as a hostile one. He can't protect them—perhaps he is not interested in doing so. After all, he had made no effort to prove otherwise during the first major outburst. The Muslims feel that he has no sympathy for them and that he is against their interests. All he did was to issue 'appeals' while law and order broke down and the army had to be called in.

37. As has been mentioned in the Introduction, one of the most astounding examples of a lack of faith in the administration came from within the administration itself with the Police Commissioner asking his force "I want to know who is ruling this City—the Administration or the Shiv Sena?" The inference is very damaging. It shows that the Administration allowed the situation to deteriorate to such an extent that the Chief of Police had to make such a desperate statement. The Chief Minister should have reacted immediately. Typically he gave the impression that he had run away from the situation and said and did nothing.

38. This weak and ineffective man bears much of the responsibility for allowing the situation to get out of hand. Along with the Shiv Sena, he is the focus of the resentment of the people for having destroyed the secular character and peace of Bombay and allowing Maharashtra to degenerate into a vicious vortex of communal violence.

VI. THE POLICE

39. There are about 26,000 men in the Bombay Police Force, but at any given time, there are only about 15,000 men on actual duty. This was so also during the riots which taxed the Police Force to its maximum and to a point why they were incapable of maintaining law and order due to sheer exhaustion. After 48 hours, it became evident that the police could not and did not have the mobility required to control the City. Its forces were spread too thin and the rioters overwhelmed them in many areas. The pattern of rioting was such that there was no telling where and when an incident would next take place. Intelligence was, of course, inadequate but if one expects the Police to be able to infiltrate mobs so as to get information immediately before a riot or an incident starts, perhaps, that is asking for too much.

40. Nevertheless, the Police shares a joint responsibility with the Government of Maharashtra for letting the situation get out of hand. Protective and preventive measures were sadly lacking. Bandobast was far weaker than it had been during the Dutta Samant led Mills Strike of 1982 when 14 companies of the State Reserve Police (SRP) roamed the streets of Bombay for a full year during the strike. There were only 5 SRP Companies during the riot in the affected areas.

41. The Police have lost the confidence of the minorities, particularly the Muslims. The evidence of police bias, arbitrary action and excesses has accumulated. Initially, the charges and reports were general in nature and ranged from indifference and disproportionate arrests to the terrorizing of one community in collusion with the other and some instances of looting. Later, however, as their berserk action at Cheetah Camp (See Appendix III) became public, their bias stood exposed. The Muslims don't trust the police. Indeed, they fear them. A team of reporters, who had rushed to the Cheetah Camp a few hours after the outrage reported. "Almost everyone repeated to us what the Police were shouting when they broke open the doors 'Landia, Shiv Sena Se takkar leta hai, hum hi Shiv Sena hain, hamse aakar lado. Kahan hai tumhare Allah, tumhara Koran?'..." "After the orgy, the residents saw the police break into the Janta Hotel on the main road. Through the iron gate, they took out glass jars containing Cadbury's Chocolates and broke them on the road. They then forced these hiding in the shop to open it, raided the icebox and after quenching their thirst, broke the bottles all over the place right upto the Police

Sat o They also saw them looting hand carts laden with mangoes and grapes (Sunday Observer). Such incidents lend credence to the allegations that riots took time to peter out because of active police collusion with the Shiv Sena Sainiks. This suspicion is re-enforced by the fact mentioned in Chapter V of now, in the 48 hours proceeding the riots, the police in the City handled the Shiv Sainiks with kid gloves and watched as they enforced their 'spontaneous' bandh.

42. The Government must be aware of the communal bias of the Police Force but was unable to suppress it. A full 80% of the City Police consists of Maharashtrian Hindus. The rest are other Hindus and a smattering of Muslims and Christians. Everybody is aware in Bombay that the police has got increasingly involved into the activities of the crime gangs. The police not only gets 'hafts' but also gets a cut in many of the rackets into the slums. It has also to cater to political pressures. So, in a communal situation, it finds itself paralysed or actively collaborates with the trouble makers. In a communal riot, being Hindu themselves, they tend to favour or take the side of the Maharashtrian Hindus against the Muslims either actively or even behind the scenes.

43. In fact, the most brezen instance of communal prejudice came out of the Police H.Q. for the first four days of the riots. The Police Press Bulletin named the Hindu victims in full, while referring to Muslims as members of the 'other community'. This was pointed out during the visit of the Prime Minister to the City and was done away with immediately. Whereas earlier there were constables writing out the Press Bulletins, later there was a DSP on the job. Thereafter, victims were identified only as those of 'one community' or the 'other community'.

44. The question that arises is whether the Police Officers and Constables will be hauled up for their communal bias during the riots? It may be recalled that after the Madon Commission's Report on the 1970 Bhurwadi Riots, which reported dereliction of duty by Police Officers, some Officers were indicated. But the punishment imposed on them was incredible. Said G.M. Banatwalla, M.P. and President of the Muslim League who was then a member of the State Assembly: "I raised a question in the Assembly of what was done with the Police Officers found guilty. I was told that action had been taken against them. When I asked what action, I was told that they have been fined. When I asked how much, I was told Rs. 10 each with Re. 1 to be deducted every month from their salaries".

One can only hope that this is not the form of 'deterrent punishment' being considered for communal policemen in the context of the present riots. It would be too much of a joke and can only encourage rabid communalism within the ranks.

45. The Police have an obvious responsibility in this tragic collapse of law and order. However, there is some re-assurance that light has dawned on some senior Police Officials. Commissioner of Police, Julio Reberro, has pulled up his men for their 'lack of action' and has asserted that he would not tolerate the attitude of helplessness among Policemen. He has warned, in a Circular, of administrative action against these Police Officers who are unable to step the Shiv Sena from enforcing bandhs in selected localities of the City. It has now become evident that it is vitally necessary to put the more volatile areas of the State and Bombay City & suburbs under the charge of unbiased, competent and secular Police Officers with a proven track record of selfless service. Of course, the Police themselves cannot ensure peace unless they are fully supported in their task by the Government. For, Ultimately it is not Police action but also political will and competence that can prevent communal riots.

46. One final point may be made which is of importance. In an interview given to a leading Bombay daily about the need for a complete reorganisation of the Police Intelligence Network to monitor the communal situation, K.F. Rustomji, Former IGP & Member of the Third Police Commission has said that "we talk of modernization of our Police Force but today we don't even have a normal Police Force. Even in a prosperous State like Maharashtra, the Police Force is in an elementary stage. The population has increased sevenfold but the Police strength has not even doubled—worse, its duties have increased—the perennial duty, guards for Ministers, even exams these days need police. There is nothing right with the Police. They lack men, vehicles and a communication system". In an emergency, therefore, we find that the Police Force cannot respond adequately. Evidently an independent Police communications network is desperately needed especially up-country where through a sound communication system, the Police can co-ordinate with the state Capital and other police Stations in the area and, most importantly, with the Police Force on duty in the field. The reason why the Police was so late on the scene, especially in Shivvandi, can be attributed to this failure in communications. According to one report, this much needed independent police network has not come about because the P&T Department of the Government, for reasons best known to it, has repeatedly stalled the move.

VII CONCLUSION

47 The events that shook Maharashtra must not be allowed to happen again. The communal boil must be lanced once in for all. Let the propaganda of the communalists, that the Hindus and Muslims are two great monoliths so different the confrontation is inevitable and perpetual, be countered, and it is upto the Government to do this through its vast resources and machinery. Communal propaganda must be fought by secular propaganda on a massive scale. For, in a country where people belong to different races, speak different languages and worship different Gods, there exists a fertile ground for the communalist to exploit especially in conditions of great poverty, inhuman living conditions and under-employment. That is why communalism has been considered as essentially an urban phenomenon. However, as we have seen in the recent riots in Maharashtra, this is not a total truth—semi-urban and rural areas can also be gripped by the communal virus through constant propaganda that feeds on local economic, social and political issues.

48. By now, enough is known of what causes communal riots. Much has been written and even more has been suggested by endless streams of distinguished commentators, social scientists and politicians. Official Government investigations to go into the nature of communal riots in different areas at different times have taken place. Voluminous Reports like the Madon Commission Report on the 1970 Bhiwandi Riots have been submitted but have unfailingly been confined to the dustbin of history. Suggestions are always 'accepted', but rarely implemented. The Madon Report is the most glaring example—5 years, Rs 20 lacs and 5000 pages of it were supposed to prevent a recurrence of Bhiwandi. Therefore, post mortems like the present one have little worth unless backed politically, or unless bodies such as the Minorities' Commission are given statutory powers to ensure the implementation of recommendations accepted by the Central Government.

49. I do not intend, in Conclusion, to go into any 'suggestions to 'prevent' a recurrence of Bhiwandi, Thane & Bombay. Enough of such broad suggestions are already with the Minorities' Commission and the Government. In the present context, let us implement the general and specific Recommendations of the Madon Report immediately. Let Justice Madon, himself, if need be, update his Report in a short period of 3 or 4 months and let the Minorities' Commission be given the legal and political

authority to implement the Madon Report and take any other action it feels necessary to ensure the implementation of its recommendations. Let the Minorities' Commission become the watchdog of the peace and communal harmony working in close association with the Central and State Governments. Let it have the power to pull up and correct the apathy or negligence of the local Administration and Police in instances such as the Maharashtra Riots where the situation got out of hand for these very reasons.

50. The Government must take stern preventative action against known communalists like Bal Thakeray and Vikram Savarkar as well as against other communal organisations, both the Hindu & Muslim, whose only objective is to preach the doctrine of hatred.

51. The Government media must also be used to combat insidious propaganda such as the one currently in vogue that, "Muslims are going to submerge the Hindus in an uncontrolled population explosion". Such ridiculous propaganda is uprightecusly highly effective when propounded by charismatic demagogues of the Bal Thakeray kind. A counter-offensive must be launched before people begin to believe in such rabble rousing chauvanists and there is truly a huge 'Hindu backlash' against the Muslims. The response of the latter, in turn, will only be confusion, insecurity, and finally violence born out of fear. The Muslims need to be given self confidence, not fear.

52. The young Muslim today carries no guilt complex of partition. Pushing him against the wall through obscurantist propaganda will only throw him into the willing arms of those forces both within and outside the country whose only aim is to disintegrate India. The Hindu communalist must be made to realize that the concept of Hindu Rashtra is unacceptable not only to crores of Muslims but also to the large mass of Hindus who have grown up in the great traditions of independent, secular, India.

53. Communal propaganda of any sort must now be equated with sedition and the penalty must be the same for, to divide Hindus and Muslims would be like dividing India and that can never be tolerated. The Muslims have a place and share in India's prosperity and future and no communalist like Bal Thakeray can be allowed to deny them that right.

APPENDIX I—BHIWANDI

1. As has been pointed out in the Introduction, the curious fact that hits the eye immediately about the current riots is that unlike the situation in 1970, when rioting broke out within the town, this time attacks came from the villages surrounding Bhiwandi and the 'bastis' of the predominantly U. P. settlers were totally destroyed and looted. The propaganda of the communal parties and the bogey of the 'Muslimboom' did much to arouse the Agri villagers. These predominantly Hindu villages around Bhiwandi were mobilized to compensate for the lesser population of Hindus in Bhiwandi and the object was to eliminate a centre of Muslim economic prosperity.

2. An interesting point here is that this economic prosperity of the Muslims was in no small measure due to the support of the wealthy Marwari and Gujarati communities in Bhiwandi. Though small in number, these communities developed an inter-dependent relationship with the Muslim immigrants by financing them to purchase looms and start business. This brought about a fair amount of integration within Bhiwandi. Unfortunately, the prosperity was not shared by the Maharashtrians. Nearly all the looms in Bhiwandi, over 2 Lac in number, are owned and operated by non-Maharashtrians. The situation was ripe for any communal body to exploit. The Shiv Sena took the lead and communal riots erupted. It is interesting to note that the Marwaris and Gujaratis, who had integrated themselves with the Muslims, also felt the fury of the attackers.

3. In explaining the attack on the Town from the outlying villages, one finds that most of the Maharashtrians who live in Bhiwandi have actually migrated there from the nearby villages. They have, however, maintained their roots in these villages which supplied the mobs that ravaged the hutment colonies on the outskirts of Bhiwandi. The nature and scale of destruction was such that in no way could it have been spontaneous. It was well planned and organized. Only months of careful planning could have resulted in so massive an attack.

4. In Bhiwandi, the BJP was not overtly involved in the riots. It has however been steadily expanding its base in the

surrounding villages after it realized that with the large (over 60%) Muslim population in Bhiwandi, it stood very little chance politically. Despite its secular stance these days, it can hardly free itself from its RSS overings. Only in November, 1983, the BJP had mobilized a large number of Hindus from the outside villages to oppose the construction of a slaughter house by a company known as Al-Kabir. The agitation was begun by Dr. Vyas of the BJP (an individual who had been named by the Madon Commission as one of the instigators of the 1970 Riots) and he managed to create a substantial following and organisation in these villages. This agitation also saw the rise to prominence of Ratan Mahtre, a leader, with strong Shiv Sena connections. During this period, Vikram Savarkar of the Hindu Mahasabha and Bal Thackeray were also addressing meetings in these villages - right from January through to May. The theme of these meetings was virulent anti-Muslim propaganda. So it is obvious that something was going on. The night before the attacks, Bhajans were organised in these villages interposed by political and anti-Muslim speeches by Hindu Mahasabha and Shiv Sena and BJP leaders. The fact that the attacks were launched the next day rules out the possibility that they were 'Spontaneous riots'. The raiders were well armed with curved swords (a symbol of Shivaji), fire bombs and country-made guns. The basti dwellers said all were young men: some of whom were known to them. They were villagers who occasionally came into the Town from time to time to sell milk or vegetables.

5. The communal riots in Bhiwandi began with organised arson, loot and destruction in the morning hours on Friday, May 18th. There were simultaneous and massive attacks on the outskirts of the town. The attacks from outside triggered off smaller attacks throughout the day in the centre of the Town from Maharashtra residents on their Muslim, Gujarati & Marwadi neighbours. The settlements of Nar Basti, Azmi Nagar, Ravulabad and Naipoli were totally razed to the ground in what appears to be a well co-ordinated operation.

AZMI NAGAR

6. Azmi nagar is situated on the outskirts of Bhiwandi and is a predominantly Muslim area. Most of the attackers came in from the village of Karol. They numbered about a thousand and launched their attack on Friday, 18th morning. The attackers were led by Shiv Sainiks and were heavily armed with rifles. Some of the residents of the area allege that the attackers had the full support of the local police. The entire area of Azmi nagar which

had about 2000 zoparpattis, both 'Pukka' and 'Kucha', was completely flattened. All the houses were completely looted by the attackers before being destroyed. All the residents fled and were lodged in the Maharashtra Government Relief Camp. The Shiv Sainiks seem to have taken advantage of a land dispute to instigate the attackers into what deteriorated into a communal carnage. The land on which Azmi Nagar was situated belongs to a trust called Diwan Shah Durgah and apart to a Maharashtra Hindu called Laxman Tawde. With more development and increasing population, land prices in this area have been high. To gain a foothold on this valuable chunk of land could have been one of the reasons for the success of the Shiv Sena in arousing the villagers of Karol to attack. About 10 Muslim died in this raid. There were no other casualties. The people of Azmi Nagar spoke of an attack from the countryside by hundreds of young men, many of whom, they said, were 'wearing red chaddis'. Some of the raiders are believed to have come from Karivili village, about 3 K.M. from Azmi Nagar. The people of Karivili like those of the other villagers around Bhiwandi, belong to the Agri caste officially designated as one of the OBC (Other Backward Castes).

NAIBASTI

7. After the 1970 communal riots in Bhiwandi, a number of the victims settled in Naibasti which was a predominantly Muslim locality of about 4000 hutments on the outskirts of Bhiwandi. A few South Indian Hindus also lived in this area. During the current riots, this area was totally flattened. The opinion of a large number of the residents is that the assailants came from the villages of Tamgarh and Badvad, about 2 K.M. away from Naibasti. They claim that the attack was led by Shiv Sainiks. The villagers attacked around 10 A.M. on 18th May and within 2-3 hours, the entire settlement had been razed to the ground. About 30 people were killed—all Muslims—many as a result of police firing. The residents accuse the police of siding with the villagers but this is, of course, denied by the police.

8. An interesting aspect of the assault on Naibasti is that since 1970, there has been considerable tension between its residents and the villagers of Tamgarh & Badvad. Investigation has revealed that the villagers accuse the residents of Naibasti of having occupied the grazing land for their cattle. They have always wanted to remove this settlement which lies on the outskirts of Bhiwandi and reclaim these grazing lands which they

consider them. Evidently, the Shiv Sainiks, in a carefully planned move, instigated the villagers to attack the residents of Naibasti. The villagers themselves were not communal and they did not attack the settlement for religious reasons. However, the Shiv Sainiks definitely gave the whole tragedy a communal colour. The residents accuse the Shiv Sainiks of organizing several trucks and tempos to carry away looted material. The numbers of the trucks have been given by the victims as AIRR 3676, MMT 968, MRD 2026, MRD 2060, MRO 6620, MRU 6569, MRO 3676, MRO 1280 and MRO 2026. The Police have been given these numbers and are investigating. When the ownerships of the trucks are revealed after the investigation, much will come to light about the part the Shiv Sena led to play in this obviously preplanned attack on Naibasti.

RASULABAD

9. Rasulabad again is predominantly Muslim locality—more developed than Naibasti, having both concrete structures as well as koparpattis. Most of the residents are workers in the powerlooms—all of them immigrants from U.P. Once again a pattern is discernable. The attack on this area, like Naibasti, started at 9.30 in the morning of 18th May. Once again, the attackers came from outlying villages—this time from the villages of K. Amba, Kattai and Khooni. Around a thousand structures were destroyed by the attackers and a number of houses were looted. The main tragedy in this locality befell the family of Dr. Ejaz. The entire family of 5 members were killed and their house looted and destroyed. The residents say that the police once again encouraged the mob to loot and kill, and some members of the Police Force were also shouting slogans like 'Shivaji Ki Jai'. In fact, it is further alleged that the Police only became neutral after the arrival of the Army. In this locality, it is said that even the Adivasis joined the attack. It is difficult at this stage to prove if there were any Shiv Sainik or other political leaders involved in the attack on Rasulabad. However, the similarity of timing and modus operandi with the Naibasti outrage coupled with the fact that in both cases, the attack came from surrounding villages leads one to believe that there was a well thought plan of action behind these assaults.

GHUNGAT NAGAR AND SAURI DADA

10. These were the two major areas within the town of Bhivandi where communal incidents took place. Ghungat Nagar is the place from which all the trouble is supposed to have begun.

This is the area where some young Muslim boys started hoisting green flags and removing the saffron flags of the Shiv Sena on 17th May, 1984. Once again the attackers seemed to have come from outside Bhiwandi town. However, in Ghungat Nagar, some of the Maharashtra Hindu residents also joined the attackers but mainly to indulge in loot. Ghungat Nagar is a predominantly Hindu locality with about 500 Muslim families. The local Hindus and Muslims in this locality had always lived in peace and communal harmony even during the 1970 riots when this area was not affected. No body was killed in this area but all the Muslim families have left after their houses were completely looted. Gouripada was the other locality in Bhiwandi town proper that was affected. It was an even distribution of Muslims and Hindus. Most of the residents are workers in the powerlooms. In this area, a young Muslim boy was the sole casualty. Once again the pattern with Bhiwandi town was one of looting. Here, it seems as though the Hindus suffered more—more Hindu houses were looted perhaps as a retaliation by Muslim goondas and communalists.

ANSARI BAUGH

11 The ghastly tragedy at Ansari Baugh was the worst incident of communal massacre in the entire riots. Ansari Baugh is the residence-cum-powerloom factory of Mr. Ibrahim Ansari, industrialist and is situated on the Bombay Agra Road near Bhiwandi. Across the Agra road from the house, there is a zoparpatti of about 800 families out of which 40 were Muslims. These Muslim families took refuge in the compound of Ansari Baugh. Mr. Ansari made several calls to the Police for help but they did not arrive in time. He also gave a complaint in writing to the Police Commissioner. A mob of Hindus from the zoparpattis attacked Ansari Baugh on the 18th May at 10.30 A. M. and 29 people were killed on that day—28 of whom were Muslims. They were doused with petrol and burnt. The attacking mob was led by Mr. Sudhakar Patel, a local Shiv Sena leader. The mob was armed with swords and rifles. Most shocking was the fact that a jeep was also employed to bring dry grass and kerosene in jerry cans with the obvious intention of arson. Since the man who led the attack, Patel, was positively identified as a Shiv Sena leader of the area, there can be no clearer evidence that at Ansari Baugh at least the Shiv Sena was totally responsible for the outrage.

12. All clues, therefore, point to a planned and cold blooded conspiracy with only one motive—to kill the Muslims and

destroy their means of economic sustenance. The planter-like attack with military like precision and timing by villagers who were also identified by the victims, and the communal propaganda which was widespread in the area during the last four months, proves, that this was a calculated attempt at exterminating an important centre of Muslim prosperity.

APPENDIX II -THANE

Thane, which adjoins Bombay, is its major industrial suburb. It is a separate town with a population of about 400,000 out of which about 50,000 are Muslims. Most of the Muslims found in Thane are immigrants from the Northern States - U. P., Bihar and Gujarat and some of them from the Southern States of Karnataka, Andhra Pradesh and Tamil Nadu. Most of the Muslims are scattered all over the area but there are only two places—Rabodi and Mehgr—where they are concentrated. Most of the Muslims belong to the lower strata of society. Manual Labourers, part time workers, fruit and vegetable sellers and tanga & rickshaw drivers. It is these Muslims who suffered the most in Thane. In the Muslim majority areas, nothing happened but wherever the Muslims were in small pockets, their lives and property faced destruction. The Shiv Sena was the main culprit in the brutal and merciless attacks on the Muslims. By their own admission, the Sena took the initiative here and they justify their violence : "as a reaction to the reports of killing of Hindus in Bhiwandi on Friday morning". In Thane, there is no evidence of the Muslims having attacked the Hindus. Like in Bombay, it seems only the hardened Maratha element represented by the Shiv Sena took part in the killing and destruction of Muslim lives and property.

2. The riots in Thane began almost simultaneously on Friday, 18th May alongwith the Bhiwandi and Bombay riots in fact, almost to the hour. Trouble started around 9.30 a.m. in Thane. Most of the Muslims who fled from different areas of Thane took refuge in the Muslim majority area of Rabodi. In Thane there had not been much of communal tension. Even during the Shiv Jayanti Celebrations of Bhiwandi, there was no sign of tension in Thane. But, suddenly on the 19th morning, a blackboard was put outside the Shiv Sena office near Rabodi which said "Remember the Muslims disloyal to India must meet with death." This board was seen by hundreds of eyewitnesses and must also have been seen by Policemen and District Officials. It clearly expressed the intentions of Shiv Sena. The timing of the erection of the board 18th May—is too much of a co-incidence. 18th was the day that the riots started in Bhiwandi.

3. According to a number of affected victims, who had come to Rabodi, about 40 people were killed in the Mamubhanja Dargah area on the 18th. About 64 more people were reported to have been killed in areas other than Mamubhanja. About a hundred godowns and timber factories were destroyed in Thane. In the Azad Nagar slum area, about 30 houses were looted and burnt by local Shiv Sainiks. From Rabodi and other areas, Police in all arrested 246 Muslims and 60 Hindus. The Hindus were released on bail the next day whereas the Muslims were not released upto 30th May. According to Rabodi Muslims, action from their side was only in self-defence against the murderous attacks of the Shiv Sena Maratha element. They claim that the Police were openly supporting the Shiv Sena mobs.

4. The modus operandi of the Shiv Sena became apparent on a closer look at the trouble that took place in Mahagiri. This is a pocket in Thane with around 8000 Muslims and 30 to 40,000 Hindus. Though the Shiv Sainiks tried to attack this area, nothing happened because the Police led by Inspectors. Darayus Irani and Shivaji Rao Desai, behaved impartially and fired on the Mob on 18th May in the morning. The residents of Mahagiri allege that Mr. Anand Deghe of the Shiv Sena was the main culprit of this aborted attack by the Shiv Sena on an area where people had lived together for years in communal harmony. Deghe had obtained lists of Muslim shops from the Income Tax and Sales Tax Departments and had marked these shops for being looted & burnt.

5. Thane was, therefore, one of the worst affected areas of the recent riots (officially 42 dead and Rs. 1 crore loss). The Shiv Sena hand was open for all to observe. They led the attacks on the Muslims in tight gangs, well organised and well-armed and indulged in murder, arson and loot. In Thane, these Muslims, who lived amongst the Maharashtrians in hutments and lower middle class localities, suffered the most. Muslims who lived in their own Mohallas like Mahagiri and Rabodi did not suffer much as they could beat back the invaders; whereas, they suffered most wherever they lived surrounded by Maharashtrians. The tragedy of this riot is that the tendency to live separately, community-wise, will become stronger.

APPENDIX III BOMBAY

and a product on to the streets of the City has been
earlier papers. In this Appendix, the events in the
major trouble spots during the 10 days of rioting is recounted to
provide a clear picture of what took place and the actions and
attitude of both the Shiv Sena and the Police are fully highlighted.
A special analysis is made of the infamous Chetani Camp
Episode. The actions of the Police here have brought universal
condemnation from all sections of society. Every major Daily
published from Bombay pointed this one act of the Police as the
prime example of its brutality and partisan attitude during the
riots.

2. The peculiarity of the riots in Bombay was the fact that
the City became one large battlefield for guerilla tactics on the
part of the rioting elements. The communalists started the whole
tragedy and the large numbers of criminals and other anti-
social elements joined the orgy of murder, arson and loot. There
was no telling when or where violence would burst. When violence
did erupt, it came in short intense and bloody bursts
leaving behind a trail of destruction. In most cases, the Shiv
Sainiks led the attacks. However, the complexion of the attackers
kept changing. In the Muslim areas, in retaliation to the attacks
by Maharashtrian Hindus, gangs of Muslim youth roamed the
streets calling peoples' names and indulging in an orgy of stabbing
anyone who gave a Hindu name. In the predominantly Maha-
rashtrian areas, groups of Shiv Sainiks armed with swords suddenly
attacked Muslim bastis and then ran back under cover of dark-
ness, leaving dead and wounded. An atmosphere of terror and
mindless violence covered the City. The Police, stretched to its
limits, were incapable of effective action after 48 hours of conti-
nuous high pressure duty. The Army also had a tough time. It
took them over a week to bring Bombay under control. It was
the psychological impact of the presence of the Army with its non-
partisan attitude and firmness, when it came to dealing with the
ravaging mobs, that brought back a semblance of law and order
to the City. There is no doubt, however, if the Police and Govern-
ment had taken timely action, absolutely nothing would have
happened. It was the bandhs called for by the Shiv Sena in the
48 hours preceding the riots that really inflamed the situation.

The Government should not have allowed the bands at all and clamped Section 144 in the entire City. It should have banned all Public meetings. None of this was done. The Police remained as bystanders and watched the forcible closing of shops and city-wide processions of young Shiv Sainiks with banners, screaming abuses at the Muslims. Bombay had to explore and it did.

THE EASTERN SUBURBS

3. There are vast slums in the Eastern suburbs of Ghatkopar, Vikhroli, Bhandup and Mulund where a lot of the population comprises of workers employed in the major engineering industries of Bombay which are situated in this area. These slums felt for 10 continuous days the vicious communal rioting that shook Bombay.

4. In Ghatkopar, on 23rd May, around 10.30 P.M., trouble broke out when about 100 people armed with swords (what Kirpans are to the Sikhs, curved swords are to the Marathas) and attacked Muslim houses. They knew exactly which were the Muslim houses. The attack continued till 4.00 A.M. without a sign of a single Policeman. They arrived only in the morning of 24th May and, by that time, all the Muslims of the locality had fled and the trouble had died down.

5. In Vikhroli, on 23rd May, at 1.30 A.M., a 'Kuchha Masjid' was ransacked. The looters came from outside the area and were unidentified. Mr Ahmadali, who is the President of the Mosques Committee, said that the Police said they could not give any protection because 'they were short of hands'. The few Policemen who were around at the time, alleged the residents of the area, refused to do anything as 'they had no orders to fire'. Near the Godrej factory at Vikhroli, two large slums called Hariwali village and Tagore Nagar have thousands of huts and a total population of one lac out of which about 40,000 are Muslims. A Mosque in this locality was attacked by outsiders who were unidentified but well armed with swords. According to Mr. Syed Jafri, Secretary, Anjuman-i-Mufidul Muslimin, the Police were silent spectators. When they did start to take action, they turned on the Muslims and started firing on them. One Police Constable, named Yadav, even shouted 'I am a Shiv Sainik' and fired at the Muslims. Mr. Jafri pointed out that all the South Indians in the area did not take part in the attack and, in fact, assured the Muslims of their help. He also

claimed that the attack was planned in the office of the local top leader in the area.

6. In the Bhandup area, there are three slums—Pattar Colony, Hanuman Nagar and Jameel Nagar, with a total population of 20,000 of which about 15,000 were Muslims. On the night of 13th May, at 1.30 A.M. the Shiv Sainiks attacked this Muslim pocket and the Muslims retaliated. The residents say that the role of the Police was highly partisan. The name of Sub-Inspector Shinde was especially mentioned and he is alleged to have said to the Muslims in the locality, 'You are still not satisfied after the creation of Pakistan. We will not let you have another Pakistan'. Mr Shinde even threatened to open fire but was prevented by D.S.P., Thorat. The residents say that by and large, South Indians, U.P.ites and others remained neutral. The non-partisan attitude of the Non-Maharashtrian Hindu population of the eastern suburbs is the main point that comes across after meeting a cross section of the local population of the area.

7. On the 20th May, at Kesaiwade, in Kurla East, a Muslim majority slum, six people were killed in Police firing. At around midnight, a mob coming from Nehru Nagar, a nearby locality where both BJP and Shiv Sena have offices and a large following attacked Kesaiwade. All the dead were Muslims and no other incidents happened after that as the Army moved in. Jawahar Nagar is one of the biggest slums in the eastern suburbs. It has a mixed population and is basically a Muslim, with about 18,000 Muslims and 2000 Maharashtrians. In this area, there are some criminal gangs operating and there have been frequent clashes between these gangs in the past. According to the residents of the area, trouble suddenly started on 22 May when a mob attacked a Masjid in the area with stones and soda water bottles shouting 'Jai Bhim Jai Bhim, kill Muslims, cut landias to pieces'. Although Police was posted near the trouble spot, the Muslim houses near the Mosque were broken into and looted in their presence. Two Shiv Sainiks identified as Ashok Dhanbe and Ashok Haripur, both taxi drivers, were leading the mob which was armed with swords and gupties. It is claimed that the Police actively helped the looters who were breaking into the houses. The names of miscreants were given to the Police but no action was taken. 50 or 60 Houses were looted and 13 people were killed in one day. 12 of these killed were Muslims. On 22 May sub-Inspector, Kazi, from Vakala Police Station took a round of the area. There was a mob of 200 Shiv Sena youths indulging in

rioting and looting. He fired 15 rounds into the mob and, as a result, 8 Shiv Sainiks were injured. In protest against Kar's action in Vakala, a morcha of Hindus was allowed to be taken out while the City was burning. The Morcha went upto Vakala Police Station, where 'inflammatory' speeches were made by Shiv Sena leaders asking for the transfer of the Muslim Police Officer.⁹

8. Jogeshwari East was another trouble spot. It is a hawker area of small chawls with a Population of over 1½ lacs out of which there are about 15,000 Muslims, most of whom are hawkers. This area, is dominated by Muslim and Shiv Sena criminal gangs who are in the 'protection racket'. Here, the riots started when a Hindu procession was stoned by Muslim miscreants. In retaliation, the nearby Muslim shops were looted and the Police resorted to firing (19th night). A total of about 59 families were looted by miscreants of both communities and 4 people were killed in Police firing.

KHERWADI

9. The area known as Kherwadi in Bandra East saw violence twice—first in the days following black Friday and then again in the week following June 28. In fact, between the two spells of disturbances, Kherwadi did not see a lull in the tensions and rumours and sporadic incidents continued. This area consists of 5 residential areas : a small U.P. Muslim majority slum settlement called Navpada, a larger mixed population slum Behrampada, a MIG Housing Colony, and a Housing Board Colony—the latter mainly inhabited by Hindus. The residents of the latter two areas were sure of the danger to their security from the first two slums. Many were convinced that only the Shiv Sena could protect them from the slums which are a breeding ground of bootleggers and criminals. Perhaps much of the fear and distrust is exaggerated because this area has never experienced any major trouble in the past. However, such is the physical clout of the Shiv Sena over the Hindus that many believe that they would never be able to 'survive' physically and financially but for the support of the Shiv Sena who regularly collect protection money in these areas.

BEHRAMPADA

10. This predominantly Muslim area has never returned a Shiv Sena Councillor to the Corporation but always a Congress man. Since the congress has always chosen Muslim candidates

it has thrown the BJP and Shiv Sena in an alliance and made the Muslim issue a rallying point. This slum area has a population of over 50,000 out of which over 80% are Muslims. The residents claim that the riots started when the Shiv Sena gave a call for a banh but a few Muslim shops did not close down. This happened on 19th May. In the evening, the Sainiks came in a big mob and apprehending trouble, the Police surrounded the area. The residents claim that the Police opened fire without reason on the Muslims to protect the Shiv Sainiks. There were 65 arrests all Muslims. The overall feeling among the residents of Behrampada is that the configuration in the area could have been avoided had the Police not supported the Sainiks. However, amongst the Hindu residents, the support and sympathy for the Shiv Sena is clear and shows how the Shiv Sena propaganda has infiltrated quite substantially. One of the traders in the area vehemently 'condemned' the burning of the Shiv Sena flag by the Muslims and in the next breath, labelled them 'Anti-nationals'. However, it does seem that in Behrampada, the Muslims also took the offensive. At about one o'clock, a mob of about 300 Muslims arrived in the market place of the area and pelted stones in shops owned by Hindus. A lot of people in the area appear feel that on this occasion, the Muslims had taken the 'Kanoon in their hands'.

11. When a peace committee was formed, abusive language was said to have been used by Madhukar Sarpotdar, Shiv Sena leader, who had lost elections 3 times in the area. Sarpotdar was arrested by the Police nearly a month later which the Police cracked down upon the Shiv Sainiks. He was released a few days after his arrest by Vasantdada Patil himself in exchange for Shiv Sena votes in a minor MLC election.

GOVANDI

12. Govandi was a major area that felt the communal riots. Like all the others, this too is a vast slum and consists of various localities like Shivaji Nagar and Tata Nagar. There is extreme poverty, filth and dust in Govandi and the living conditions are perhaps worst one can imagine. About 50% of the population is Muslim, 25% are Maharashtrians and 25% other Hindus. Following the established pattern, the clashes that occurred here were mainly between the Muslims and the Maharashtrians. The Shiv Sena Office in the area was the centre of all the activities. Most of the attackers were mobilized from outside Govandi. However, quite a few local Maharashtrians also participated. On the 18th May, the Shiv Sena Office put up

a board on which was written : 'Muslims are not loyal to this country' and 'Quran Choro Ya Hindustan Choro'. On the 18th, the Shiv Sena called for a bandh and took out a 'Sword procession'. The Muslims of the area got violent after the board was put up. The Shiv Sena Office was attacked and damaged by Muslims. The Shiv Sena Counciller, one Sarad Acharya, complained to the Police about the attack and is reported to have said : 'we will take revenge'. The real trouble began after the Friday prayers on 18th May. Stones, Soda water bottles, tube lights and bulbs were exchanged between the Shiv Samiks and the Muslims. It is also alleged by the Muslims that on the evening of 18th May a meeting took place in Onatha Village where Shiv Sena and RSS men planned further action. It was also observed that the RSS activists were active in the locality for 2, 3 days prior to the outbreak. It is alleged by the Muslims that many miscreants wore Police uniforms to beat up and terrorize Muslims. Some of them were caught by the Army and handed over to Police. Disturbances in the area took place from 18th May to 22nd May when the city came under the Army.

13. Karmathupara, Bhayander, Parel and D. N. Nagar and the other predominantly Muslim areas of Central Bombay--Donger, Byculla, Margaon & Pydhonie were the other areas where there were major outbreaks of communal violence. Karmathupara is the famous red light area of Bombay. Many smugglers and gangs operate here and the rioting was localized like in the rest of Central Bombay. This is an area which houses all sorts of anti-social elements and where Police Inspector, Nandkumar Gokhale, was murdered. Gokhale's murder caused a sense of outrage in the Police Force. There was widespread feeling within the ranks that he was a Maharashtrian Hindu. However, this has been proved to be untrue. Gokhale was investigating some crime in this area and at the time of his murder, he was on 'Mufti'. His murder was not the work of some communalist but was perhaps the work of the criminals whom he was after who took advantage of the communal violence in the area. In fact, the communal tension was fuelled by the large number of anti-social elements in this locality.

14. The Cheetah Camp Episode has become notorious and reflects the attitude of the police during these riots. Cheetah Camp is near the Atomic Station at Trombay and is a huge slum with a population of over 50,000. 80% of the population are South Indian Muslims from Kerala. Cheetah Camp has never known communal rioting in the past nor is there any history

of communal tension. Cheetah Camp, however, has had a history of repeated encounters with the Police. The Camp has its quota of bootleggers and criminal gangs. There is no political leadership and no strong representation of any political party in the area. The Shiv Sena has maintained a token presence in the area and have embroiled themselves in the gang wars. They have provided political asylum to the rival gangs, given them the patronage necessary to get gang members released from the Police or to get the Police to look the other way. In the present context, it is interesting that one such gang consisting entirely of Muslims constituted itself into a local branch of the Shiv Sena and was dissolved only a few days before trouble began. The Muslim criminal gang called 'Lambu Halima' gang set up a Shiv Sena Office in Jehangir Hotel, an eating place that had closed down. Following in the well established Sena tradition, the gang now began to extort hush money from shopkeepers in their sector. For a price, they also undertook to get any one arrested by the Trombay Police released. In the wake of the communal rioting in Bombay and the recognised role of the Shiv Sena, Halim, in order to clear himself in the eyes of the Muslim residents, broke off with Shiv Sena and subsequently took the lead in organising the defence of the Camp against a possible attack by the Shiv Sena. The People were expecting an attack at any moment and large mobs swept through the slum room and to the end at any hint of trouble.

15. On 23rd Wednesday, Halim's gang left the Camp to investigate the burning of some huts in nearby area. They were unable to discover anything so they returned and on their way back, they found the slum cut off by the Police who opened fire on the gang. It is alleged that after this, the Police went on a rampage. People in Bombay from all walks of life have heard about the Cheetah Outrage. Only the Police deny their action, but everybody else, Muslim or Hindu, condemns them. People were dragged out of their homes, beaten up or shot dead. Blood curdling tales of Police brutality came from the terror-stricken people of the area. About 13 people are said to have died that Wednesday. Atleast 157 men were arrested—97% of whom were taken from their homes. A social worker, who runs a dispensary in the slum, said, "They needed a mob to justify the fact that they had fired and killed people without provocation. So a mob had to be got from some where. They had to break into the houses and drag people out." Immediately following the firing, the Police claimed that the Trombay Police Station had been attacked by an armed mob and they had fired in self-defence. Curiously enough, however, there was no trace of

violence on the walls of the Police Station when observed by many people and reporters during that time. It is, therefore, hardly surprising that a few days after the event, when the army arrived, the people welcomed them as the only guarantee of their lives. 'It is the army that saved us' is the general opinion.

16. Why did the Police indulge in this attack on the slum? Some of the victims think that it is significant that the attack was focused on the area where the Muslim Shiv Sena Shaka was located. The Inspectors known to be closest to the gang, namely, Soni, Shinde & D' Souza, also led the attack on the slum. The attack may have been in retaliation for the Branch being closed since it threatened a large loss of income and power. The Trombay Police Station, say the victims of the outrage, have always been able to take their cut from the vast amount of illegal earnings from the Cheetah Camp. Some of the residents also point out that none of the crimelords or gang members were among the 157 arrested by the Police. The residents are left with the feeling that the Police did what they did because the victims were Muslims. In the minds of the people of Cheetah, the Police and Shiv Sainiks are one—it is the only way they can make sense of the violence that struck Cheetah Camp.

APPENDIX IV

THE CHRONOLOGY OF EVENTS

January 22nd, 1984: Bal Thakeray makes the first public move of his anti-Muslim Campaign. During the two day convention of his party at Chowpathy & Girgaum in Bombay, he launches his 'Quit India Movement' to throw out anti-national Muslims from India. Also announces that a 'Hindu Sena' will be formed in February to carry out this task.

February 1st, 1984: Bal Thakeray forms confederation of pro-Hindu parties called the 'Hindu Maha Sangh'. Important persons and groups in this confederation are: Vikram Sevarkar, President of the Hindu Mahasabha, Patil Pawan, a radical Pune based Hindu Organization and other small unimportant groups of 'like minded' people).

April 21st, 1984: Thakeray's infamous 'Cancer bhagan' speech at Chowpathy where he is also alleged to have made derogatory references to the prophet Mohammed.

May 3rd, 1984: The first Shivaji Jayanti Procession in 14 years held in Bhiwandi passes off peacefully mainly because of the heavy police bandobast—but tension is evident in the Town as a result of the procession which was personally allowed by the Chief Minister.

May 6th, 1984 : The Bangalore based 'Nasheman', an Urdu weekly, carries the rabid remarks of Bal Thakeray against the Muslims including the derogatory references to the Prophet.

May 7th, 1984 : A highly inflammatory Article appears in Sobat, the Pune based Marathi Weekly. It gives Bal Thakeray's views on Muslims and why they should leave India.

May 11th, 1984 : The Parbhani Incident. In protest against Bal Thakeray's insults to Muslims, Mr. A.R. Khan (Congress-I), MLA, leads a procession which ends in the garlanding of Thakeray's portrait with 'Chappals'.

May 13th, 1984 : The Akhbar-e-Alam prints extracts of Bal Thakeray's speech on 21st April with the derogatory reference to

he Prophet in banner headlines. 200 copies of this paper is distributed in Bhiwandi.

May 16/17th, 1984 : Shiv Sena 'bandhs' in Bombay. Shops and establishments are forcibly closed in various parts of the City. Shiv Sena processions, protesting against the 'Parbhani' incident, openly abuse Muslims.

This continues for 48 hours.

May 17th, 1984 : War of Flags in Bhiwandi. Muslim youths put up green flags in a symbolic war against the saffron flags of the Shiv Sena. A fight ensues in the afternoon but is brought under control.

May 18th, 1984 : Large scale violence starts from the early hours of the morning—Bombay, Bhiwandi and Thane explode simultaneously.

May 19th, 1984 : The Ansari Baugh tragedy.

May 18th to 20th, 1984 : Uncontrolled communal rioting in Bombay, Thane & Bhiwandi. Army called in 3 provocative interviews with Bal Thackeray appear in the City. *May 24th*—the Free Press Journal, *May 27th*—Mid Day, *May 27th*—Jannabhoomi and the May issue of 'Gentlemen' Magazine. Over 250 people die in the communal fury; hundreds more are injured.

May 23rd, 1984 : Police atrocities at Cheetah Camp.

May 23rd, 1984 : A privately owned truck with 200 swords seized near Bombay.

June 20th, 1984 : Riots erupt again in Bombay in Kherwadi. More than 10 people are killed during this renewed bout of fighting. Army called out again.

June 26th, 1984 : Riots continue unabated. 26 Top Shiv Sainik Leaders arrested including Madhukar sarpotdar. Riots stop after their arrest. Many more detained in subsequent days. The Government finally acts with obvious firmness for the first time during the riots.

July 4th, 1984 : The arrest of the smugglers by the Police for their part in the communal riots.

July 12th, 1984 : Sarpotdar and 3 other top Shiv Sainik Leaders released to get vasantdada votes in the MLC election.

August, 1984 : The State Government releases the smugglers quietly. No reasons are given.

APPENDIX—V

1. The method of investigation was on the lines approved by the Minorities' Commission. It took the form of a sole, incognito information gathering operation in all the areas affected by the riot—in Bhiwandi, Thane and Bombay City.

2. The main thrust of this investigation was to seek out the causes and nature of the riots through in-depth interviews at the grass root level with people who were either affected or took an actual part themselves in the riots. Without divulging my identity as a representative of the Minorities' Commission, I started the investigation in Bombay and Thane, talking to people in the relief camps and residents in the affected areas. I posed as a journalist. I was helped by the fact that I was on the spot soon after the riots and the incidents were fresh in the minds of the people.

In the Maharashtra dominated zones of the City and Thane, where the Shiv Sena has its strongholds, I toured the area with a friend 'Abdul'—a reliable Marathi speaking Muslim who looks and speaks like a Maharashtra. I spoke to Police Constables and young Shiv Sainik workers at the lower levels and this provided with a clear and first hand impression of the attitude of the Maharashtrians to the Muslims. I then went to the Muslim areas of Dongri, Pydhonia, Nagpada and Moham medali Road which I have visited and known over the last 20 years. Once again, I tried to meet as many ordinary people who were affected directly by the riots as was possible. Later, I moved to the Cheetah Camp to study the aftermath of the Police atrocities. Bhiwandi and surrounding villages I visited alone, on two separate occasions, after covering Bombay and before my visit to Poona to meet the Governor.

4. I found the atmosphere of distrust and fear all pervading in the Powerloom Town. Unlike Bombay, when the relentless pressure and pace of day to day life has pushed and trauma of the riots into the background, in Bhiwandi, the people are still shattered by the trauma. They refuse to talk, be interviewed or meet outsiders. Strangers are regarded with deep suspicion. However, after two visits to the Powerloom Town, some of the victims and other residents opened up and a clear and

horrifying picture of the tragedy emerged, I discovered that many of the affected people have left the Town. Re-construction work is proceeding at a fair pace but I suspect it will be quite a while before many of the affected residents returned. I would put an estimate that the least 50,000 to 60,000 Muslims have left Bhurwardi. This is the view of many of the Town people

5. I interviewed many journalists who were also on the spot at the time of the riots and as such they were able to give me an authentic view of the situation during those 10 days. Notable among them were, Mr. Iqbal Masud, an independent political commentator and Mrs. Jyoti Punwani of the Sunday Observer. Other member of the staff of the Sunday Observer who had covered the riots indepth personally also gave me invaluable impressions and material. I am also indebted to the members of the Committee for Protection of Democracy—a team of young people who also carried out an independent investigation of the riot for their help. (Jyoti Punwani, Ritu Dewan, Shoma Sen, Madhav Sethe and others.)

6. Mr. Asgher Ali Engineer, Head of the Indian Institute of Islamic Studies in Bombay also provided this investigation with a wealth of material and observations invaluable in assessing the situation.

7. There were others in important but sensitive positions who particularly asked me to keep their names secret but gave their personal observations. They included some Police Officials and Government Servants and a few politicians including a former Chief Minister of Maharashtra and an M.P. of the people whose names I am mentioning were the following who actively helped this inquiry on behalf of the Minorities Commission:

1. H.E The Governor of Maharashtra.

2. Commissioner of Police—Poona.

3. Mr. S Sohoni, IAS

(who was Municipal Commissioner of Thane during the period of riots) Sohoni has agreed to give a written statement before the Commission about the role of the Administration during the riots if called upon to do so officially and in writing by the Minorities Commission)

- 4 Mr. I. Imkhanawala President, Anjuman-e-Islam, Bombay's
leading Muslim Organization.
- 5 Mr. M. Merchant }
Mr. H. Mehta } of 'Gentlemen' Magazine.
- 6 Mr. J. A. Pradhan President of the Federal Council for
India of the Ismail Muslims.

ANNEXURE—XXXIX

(Ref. Ch. VI, Para 6 31)

GUIDELINES ISSUED BY THE MINISTRY OF HOME AFFAIRS, NEW DELHI ON REHABILITATION OF AND PAYMENT OF EX-GRATIA GRANT TO THE VICTIMS OF COMMUNAL RIOTS

1. It has been noticed that very often measures for the rehabilitation of victims of communal riots are not taken promptly. The victims are mostly the poor and often it is the innocent who suffer most by way of loss of belongings, property or the death or disablement of earning members. These aspects are not taken care of after a riot is controlled and peace is restored, giving rise to a feeling that Government and the administration are apathetic. Sections of the minority communities have given expression to this feeling.

2. The national Police Commission, in its Sixth Report, has recommended as follows in the context of communal riots:—

“In a major riot, it is the duty of the Administration to compensate the unfortunate sufferers for the loss and suffering undergone by them and to assist them in their rehabilitation”.

“The police should play a very active and positive role in the rehabilitation of the people affected in the riots. They should record the extent of damage in the course of their investigation and enquires in the cases reported to them and furnish copies of these documents to the appropriate authorities”

(Recommendation No. 49.62)

3. The Minorities' Commission has also made similar recommendations. It has been felt that suitable schemes for the rehabilitation of and the payment of relief to victims of communal riots should be prepared by the State Governments

4. The first aspect of a programme of rehabilitation would be the proper medical treatment of those injured in communal

riots. The best treatment within the available government facilities should be provided to the injured. Powers could be delegated to the District Medical Officer/Civil Surgeons/District Surgeons to purchase drugs in the open market as and when necessary. If the incident has occurred at the district headquarters, appropriate medical aid would be presumably at the district hospital under the care of the Civil Surgeon and the team of experts who are now available at the district level. If a case of grievous injury occurs in a smaller town or village arrangement could be made for transporting such an injured person to a district headquarters after local treatment of an emergency nature.

5. The State Government may instruct the district authorities, especially the District Magistrate and the Superintendent of police, that they and their supporting officers should spare no pains in ensuring prompt medical aid. The District Medical Officer or Civil Surgeon should have standing instructions to comply with the instructions of the District Magistrate in such emergencies. The same should apply to other District Officers whose help may be required such as P.W.D. Officers. The District Magistrate should be in a position to requisition the services of the staff and the vehicles of any Government or Quasi-Government department or organisation for looking after the injured in a communal riot. Suitable powers in this regard could be delegated by the State Governments.

6. The next question would be an assessment of the financial loss sustained by the public. It should be ensured that preferably within three days of the restoration of peace, groups of officials of the Revenue and Police Departments headed by a Magistrate should be formed for going around the town and making such an assessment. The District Magistrate may, if required, include officers of the Public works Department in these teams.

7. This assessment should be completed within seven days and reported to the State Government who should invariably keep the Government of India informed.

8. It is not possible to accept the principle of 'compensation' for all the loss sustained in a communal riot. All that is intended is that suitable ex-gratia payments be made which will go a long way in alleviating the sufferings of the victims of communal riots especially the poor among them and help in their rehabilitation.

9. The following scale for payment of ex-gratia grant could accordingly be considered appropriate in such instances:

(a) Death (Whether of earning or non-earning member of family)	Rs. 20,000
(b) Permanent incapacitation (whether of earning or non-earning member of family)	Rs. 5,000
(c) Temporary incapacitation	Rs. 1,000
(d) Grievous hurt short of incapacitation	Rs. 500
(e) Loss of movable property	Rs. 2,000
(f) Loss of House	Rs. 5,000 to Rs. 15,000
(g) Loss of earning asset like vehicles, boat or bullock, etc.	Rs. 2,000

As regards (f), the actual extent of ex-gratia grant would depend upon the nature of the house which is lost in communal riots. For the loss of a kuchha house, for example, payment of Rs. 5,000 would be in order. For more permanent structures, however, the ex-gratia grant should increase suitable upto a ceiling of Rs. 15,000.

10. State Governments may adopt higher scales for payment if they so desire. What is suggested above is a minimum scale assistance.

11. District Collectors/Deputy Commissioners/District Magistrates may be empowered to sanction relief in accordance with the above scale without reference to any other authority.

12. All payments should be made as far as possible on the spot. The Taluk/Sub Divisional Officers should draw the amount and disburse it to the victims of the families without delay. They should use the system of payment in the presence of panchas not only to ensure proper payment but also to inform the people that such aid was indeed being given. This is intended to give confidence to the people that their grievances were under redressal.

13. Amount should be sanctioned and disbursed without waiting for the results of the investigations or legal proceedings, if in the opinion of the District Magistrate, what had occurred was *Prima-facie* a communal riot.

14. Apart from the payment of ex-gratia grants, the State Governments could consider giving assistance to these victims under the various existing developmental schemes of Government. For example, existing housing schemes could be used to provide shelter wherever the victims have lost their dwelling houses. The District Magistrates/District Collectors/Deputy Commissioners should be given the freedom to go ahead with such Schemes and if necessary, have them ratified by the State Governments. Such additional programmes can be perhaps initiated by the District Magistrate/District Collectors/Deputy Commissioners, provided the additional expenditure would not be more than, say, 5% of the original allocation to the district.

15. The District Magistrate/Deputy Commissioner/Deputy Collector is the Chairman of the district level committees on Institutional Finance. He should see whether nationalised banks could be induced to give suitable assistance to the victims of riots so as to enable them to be economically rehabilitated whenever necessary. The State Governments could also consider providing suitable subsidy for such assistance. The development departments at the district level and those directly under the District Magistrate/Deputy Collector/Deputy Commissioner should be used for assisting in rehabilitation programmes. The District Magistrate's role in a communal riot is not only that of a Magistrate handling a law and order situation, but also that of the District head of a development oriented administration.

Statement indicating the position of the States/U.Ts. regarding guidelines on rehabilitation of and payment of ex-gratia to the Victims of Communal Riots

Under examination/ consideration Receiving attention	Guidelines noted	Accepted/Agreeing	No need to alter the existing guidelines	No reply
1. Bihar	1 Jammu & Kashmir	1. Assam	1. Karnataka	1. Andhra Pradesh
2. Kerala	2. Nagaland	2. Haryana	2. Punjab	2. Meghalaya
3. Maharashtra	3. Tripura	3. Uttar Pradesh	3. Tamil Nadu	3. West Bengal
4. Orissa	4. Andaman & Nicobari Islands	4. Chandigarh		4. Lakshadweep
5. Rajasthan	5. Delhi	5. Goa, Daman & Diu		
	6. Dadra & Nagar Haveli	6. Mizoram		
		7. Gujarat		
		8. Manipur		
		9. Pondicherry		
		10. Arunachal Pradesh		
		11. Himachal Pradesh		
		12. Sikkim		
		13. Madhya Pradesh		

ANNEXURE XLI
(Ref. Ch. VII, Para 7.1)

**COPY OF THE PRIME MINISTER'S LETTER DATED 11TH
MAY, 1983 TO THE HOME MINISTER AND COPIES TO ALL
MEMBERS OF THE COUNCIL OF MINISTERS REGARDING
THE PROBLEMS OF MINORITIES**

The increase of communalism in recent months and the large number of attacks on the lives and properties of minorities is cause for deep sorrow. These incidents are a blot on the good name of our country. They have been deliberately created by militant communal elements who do not hesitate to sacrifice the strength and security of the country for their own narrow nefarious ends.

From my earliest childhood I have been committed to the secular ideal. The India of our dreams can survive and prosper only if Muslims and other minorities can live in absolute safety and confidence. Since the meeting of the Integration Council, in Srinagar, several measures have been suggested from time to time. But perhaps because the situation had improved, some slackness crept in and there is need to take new initiatives to combat this growth of communalism and to prevent and deal promptly and firmly with communal tension. We must devise mechanisms by which the conscience and political power of the entire nation are enlisted to deal with such situations.

I have met several delegations of Members of Parliament and other representatives of Muslim and other minority groups and have discussed measures to prevent the recurrence of communal violence and to improve the economic conditions of minorities. After careful consideration of the suggestions which emerged, I have decided that immediate action should be taken as indicated below.

1. Communal Riots

1. The State Governments are being advised that in the areas which have been identified as communally sensitive and riot prone, District and Police officials of the highest known efficiency, impartiality and secular record must be posted. In such areas and

even elsewhere, the prevention of communal tension should be one of the primary duties of DM and SP. Their performances in this regard should be an important factor in determining their promotion prospects.

2. Good work done in this regard by District and police officials should be rewarded.

3. Severe action should be taken against all those who incite communal tensions or take part in violence.

4. Special courts or courts specifically earmarked to try communal offences should be set up so that offenders are brought to book speedily.

5. Victims of communal riots should be given immediate relief and provided prompt and adequate financial assistance or their rehabilitation.

6. Radio and T.V. must also help in restoring confidence, communal harmony and peace in such affected areas.

7. It is unfortunate that certain sections of the press sometimes indulge in tendentious reporting and publication of objectionable and inflammatory material which may incite communal tension. I hope that editors, printers, publishers and other concerned will co-operate in finding a way to avoid publication of such material.

1 Recruitment to State and Central Service

1. In the recruitment of police personnel, State Governments should be advised to give special consideration to minorities. For this purpose, the composition of Selection Committees should be representative.

2. The Central Government should take similar action in the recruitment of personnel to the Central Police Forces.

3. Large scale employment opportunities are provided by the Railways, Nationalised Bank and public Sector Enterprises. In these cases also the concerned departments should ensure that special consideration is given to recruitment from minority communities.

4. In many areas recruitment is done through competitive examinations. Often minority groups have been handicapped in taking advantage of the educational system to compete on equal terms in such examinations. To help them to overcome these handicaps, steps should be taken to encourage the starting of coaching classes in minority educational institutions to train persons to compete successfully in these examinations.

5. The acquisition of technical skills by those minorities who are today lagging behind would also help in national development. Arrangements should be made to set up ITIs and Polytechnics by Government or private agencies in predominantly minority areas to encourage admission in such institutions of adequate numbers of persons belonging to these communities.

III Other Measures

1. In various development programmes, including the 20-point programme, care should be taken to see that minorities secure in a fair and adequate measure the benefits flowing therefrom. In the various committees which are set up to oversee the implementation of such programmes, members of those communities should be actively involved.

2. Apart from the general issues to which I have referred, there are various local problems which develop into needless irritants to minorities. For instance encroachment of Wakf properties and on graveyards have led to protest and grievances in some places. Suitable steps should be taken to deal with such problems on an expeditious and satisfactory basis.

3. Problems relating to minorities need to be attended to on a continuing basis so that apprehensions are allayed and genuine grievances redressed. To facilitate this, a special cell will be created in the Ministry of Home Affairs to deal with matters relating to minorities.

Some other measures are also under consideration. Decisions on them will be announced as early as possible. I am sure that the measures that I have indicated above and others which will be announced shortly, will facilitate the full participation of Muslims and other minority groups in all aspects of national life and thus promote the cause of national integration.

I would like to receive from you a special report every quarter on the results of action taken to implement the above decisions.

Sd/-

INDIRA GANDHI

11-5-1983

HOME MINISTER

Copy to :

(1) All Members of the Council of Ministers.

(2) Cabinet Secretary.

Copy also endorsed to :

All Chief Ministers of States/U.Ts.

ANNEXURE XLII

(Ref Ch. VII, para 77)

QUARTERLY REPORTS RECEIVED FROM STATE GOVERNMENTS AND UNION TERRITORY ADMINISTRATIONS ON THE IMPLEMENTATION OF 15-POINT PROGRAMME FOR THE WELFARE OF MINORITIES—EXTRACTS THEREFROM

1. BIHAR

Quarterly Report for the Period ending 30-6-1984

1. Communal Riots

1. Efficient, unbiased and secular minded police officers and District Magistrates are being posted in the areas which are the trouble spots and communally sensitive. A separate police Battalion has been raised to deal with the riots.

Patna High Court has earmarked three Court each at Bihar Sharif and Jamshedpur to expedite cases of communal riots in Bihar Sharif in 1981 and Jamshedpur in 1979.

2. The proposal of the Government of India regarding *ex gratia* payment to the victims of communal riots is under active consideration of the State Government. The Finance Department and Relief and Rehabilitation Department are being consulted on the financial aspects of the proposals for which action is being taken for its implementation.

3. Families of the persons killed in Jamshedpur riots in 1979 were paid *ex gratia* payment @ Rs. 500 per person. Late on, this amount was raised to Rs. 10,000. The dependents of persons killed during riots of 1981 in Bihar Sharif and missing persons deemed to be dead after investigation were also given Rs. 10,000 as *ex gratia* payment.

4. During last year, no instance of the Provocation of communal hatred came to the notice for which legal action against any newspaper could be taken, but action was taken against some objectionable books. The Government banned these books,

in August, September and October, 1983 titled 'Boya Per Babool Ka' written by Shri Mahabir Prasad Akela. 'Madhya Kalin Arab' and 'Viswa Itiha' Part II written by Shri Dhanpat Pandey for containing derogatory remarks against Prophet Mohammed. A case under section 153A/295 A of IPC has been registered against both the writers.

II *Recruitment to State Services*

8. A statement was made available regarding the appointment in Police which reveals that the welfare of minorities is kept in view. The representation of minorities in Bihar Police is quite encouraging.

III *Other Measures*

10. Various Departments of the State Government, *i.e.*, Education Department, Industry Department, Health Department and Labour Department have been requested to set up coaching institutions for minorities for imparting training to them so as to enable them to get through various Competitive Examinations.

11. A number of persons belonging to minority communities are engaged in handicraft industries in Bihar. The State Government has initiated action for the development of handicraft industry.

12. List of persons benefited under the I.R.D.P. have been sent to the Ministry of Rural Development and the Ministry of Home Affairs. Representation has also been given to 10 minorities at different levels on the Committees for Implementation of 20-Point Programme.

13. The Bihar State Minorities Finance Corporation has been constituted and an amount of Rs. one crore has been earmarked for the financial year 1983-84 to start its functioning. So far an amount of Rs. 16,90,000 has been sanctioned as loan to 306 persons.

14. So far 322 Urdu teachers against 332 posts have been appointed in High Schools. Pay, Allowances and all other financial facilities have been given to them equal to what are available to the teachers of Government Middle Schools.

15. Urdu has been declared as second Official Language in 15 districts by the State Government. To implement this programme 294 translators, 294 typists and 5 other officials have also been appointed.

2. HIMACHAL PRADESH

Quarterly Report for the Period ending 30-9-1984

I Communal Riots

1. The people of Himachal Pradesh, irrespective of caste, creed and religion, are living in perfect amity, but due to the recent disturbances in Punjab the State Government have kept a vigil to maintain communal harmony at any cost.

2. A scheme is under active consideration of the State Government to reward all those District Magistrates/Superintendents of Police who try to maintain communal harmony in the areas under their control.

3. The State Government have issued comprehensive guidelines to all District Magistrates and District Superintendents of Police for effectively dealing with the incidence of communal riots and promote communal harmony.

4. There seems to be no need to set up Special Courts to try communal offences, because there are no incidents of communal violence in Himachal Pradesh.

5. Necessary instructions have been issued by the State Government to provide initial relief and financial assistance for the rehabilitation of the victims of communal riots in the State in the past.

6. There is no other T.V. Station in the State of Himachal Pradesh. However, the subject of communal harmony and national integration is usually touched by the Doordarshan Kendras of Jalandhar and Amritsar which feed the territory. As regards the Radio, the situation is reviewed every month in the monthly meetings of the Publicity Media Coordinating Committee and A.I.R. Programme Advisory Committee to shape the programmes with the prevalent local conditions.

7. The State Government had decided to take prompt action against those daily newspapers which indulge in scurrilous writings.

II Recruitment to State Services

8. Necessary instructions have been issued by the State Government to all Inspector Generals of Police to give preference to minorities in the recruitment. During the period from July 1983 to June 1984, 290 personnel have been recruited in the Police

Department. Of these 6 belonged to Muslims, 5 to Sikhs and one to Buddhist community.

III Other Measures

10. Necessary instructions have been issued to all Secretaries/ Heads of Departments/Managing Directors of Public Sector Undertakings to give special consideration to minorities in the recruitment made by these bodies.

11. The Members of the minority communities are not concentrated in one particular area or segment but scattered all over the State. No educational institution worth the name is run by Muslims. The Muslims form 5.57% of the total population of Chamba district as per the Census of 1971. The State Government have declared the Gujjars of Chamba, who are mostly Muslims, as 'Scheduled Tribes' and all facilities are being provided to them as are available to other Scheduled Tribes. The coaching facilities to Muslims of Chamba is also under consideration.

12. Since there are no predominantly minority areas in the State, the setting up of Polytechnics and I.T.Is. is not practicable. However, for admissions in the polytechnics/I.T.Is., the State Governments have decided to reserve 5% of the total seats in such institution for Scheduled Tribes and 5% for persons belonging to Backward Classes.

13. Under the I.R.D. Programme, an exhaustive Blockwise lists of families including those of minorities, whose annual income from all sources is less than Rs. 3500 per annum, have been prepared with a view to provide them all benefits under the 15-Point Programme.

14. The encroachments on the Wakf properties and graveyards have led to protests in some areas. The Government have decided to look into such grievances and take action in this behalf. Necessary instructions have been issued by the Government in this regard to all D.Ms and S.Ps of the districts.

Quarterly Report for the Period ending 31-12-1984

I Communal Riots

(1) The State has witnessed no communal violence prior to October 31, 1984. After the assassination of Smt. Gandhi, some violent incidents of communal nature were witnessed in some of

the places of Himachal Pradesh. The main attacks were on Sikh community. It was felt that this violence was not in terms of that communal riots or hatred, but a resentment or retaliation against the brutal murder of former Prime Minister, Smt. Gandhi. The State Government have decided to conduct a survey to find out the trouble spots afresh. Action will be taken accordingly.

2. Schemes to reward District & Police Officials have been chalked out by the Government under this Scheme, all the State Police & District Civilian Officials will be eligible for awards. The awards will be given for good work in maintaining communal harmony in communally sensitive and riot prone areas. Steps are being taken to prevent communal tension and defusing any situation which might led to communal riots. The Gazetted Police/Civilian Officers will receive commendation certificates. The Non-Gazetted, State Police/District Civilian Officials will receive commendation certificates and also Rs. 500 to Rs. 1000 in cash in hierarchical order.

3. Preventive action has been initiated for locating such persons and dealing with them severely who incite communal violence under the various preventive Sections of the Cr.P.C. and other laws in force. The arms licences will be cancelled in areas where communal riots have taken place. Keeping in view the spread of communal violence and as a result of such state of affairs in neighbouring States, the patrolling and vigilance in such areas have been strengthened.

4. The need of setting up Special Courts in the State is not felt by the Government at this stage.

5. The scales of relief to the communal riot victims were not applicable to the victims of recent disturbances, since they were not treated as communal in nature. But, however a provision of Rs. 16.80 lakhs for disbursement to the victims has been made. Of this amount a sum of Rs. 7.70 lakhs has already been disbursed to them. Further relief measures are in progress.

6. There is no other T.V. Station in the State of Himachal Pradesh. It has been observed that the subject of communal harmony and the national integration is usually touched by the Doordarshan Kendras of Jullundur—Amritsar.

7. Certain papers indulge in tendentious reporting and publication of objectionable materials. Prompt actions are taken in cases such things come to the notice of the Government.

II Recruitment to State Service

8. In the recruitment of Police personnel, the State Government have advised all Inspector Generals of Police to give top priority to minorities. During the period of July, 1983 to December, 1984, 290 personnel have been recruited in the Police Department of these, 6 belonged to Muslims, 5 to Sikhs and one to Buddhist community.

III Other Measures

10. Large scale employment opportunities to minorities in Government/Public Sector Undertakings have been initiated. Necessary instructions to the Secretaries/Heads of Department of Public Sector undertakings have been issued.

11. Coaching classes have been set up to train the students belonging to minority communities with effect from July, 1985.

12. No change in the position as stated in the previous Report for Quarter ending 30-9-1984.

13. Various developmental programmes like IRDP have been initiated which may help the weaker sections of the society.

14. No instance has come to the notice of Government in respect of any encroachment of Wakf properties. But if such instance comes to the notice of the State Government, the District Revenue & Police Officers will visit the troubled area and matter will be solved to the entire satisfaction of the aggrieved party.

15. Special Cell has been set up to look after the grievances of the members of minority communities direct under the supervision of the Commissioner-cum-Secretary (Home).

Quarterly Report for the Period ending 31-3-1985

I Communal Riots

1. There are no communally sensitive or riot prone areas in the State. The District and Police Officials of highest known efficiency with secular character are posted as the DMs and SPs in this State.

2. The State Government have already accepted the directive about a scheme giving rewards to most efficient Police Officials.

3. Stern action has been devised to be taken against those who incite communal violence. The State Government have issued necessary instructions in this regard.

4. The idea of setting up a Special Court does not arise, since there is no communal tension in the State.

5. The victims of the communal riots will be given immediate relief. Necessary instructions have already been issued.

6. The Radio and TV must help in restoring communal peace and harmony.

7. Certain sections of the Press sometimes indulge in tendentious reporting and publication of objectionable and inflammatory material. Instructions have been issued to the Publishers/Editors to avoid publication of such material.

II. Recruitment to State Services

8. There is no provision for the minorities in the recruitment in Police Force. Already 53% of the posts are reserved. Efforts are being made to accommodate more and more persons belonging to the minorities in recruitment in the Police Force.

III Other Measures

10. Large scale employment opportunities are provided for minorities in Railways, Nationalised Banks and Public Sector Undertakings.

11. In many cases, recruitment is done through competitive examinations. Steps are being taken to start coaching classes for the minorities from July, 1985.

12. Arrangements are being made to start ITI and polytechnic courses in the areas dominated by minorities.

13. For the implementation of 20-Point Programme. Committees have been set up and minorities have been actively representing in such Committees to see that the Programme benefits the weaker sections of the minorities.

14. Steps are being taken to see that there is no encroachment on Wakf properties and graveyards.

15. It has been decided to set up a Cell in the Ministry of Home Affairs to see that the grievances of minorities are duly taken care of.

3. KARNATAKA

Quarterly Report for the period ending 30-9-1984

I. Communal Riots

1. The State Government have issued instructions to all District Magistrate and Superintendents of Police that they would be responsible for the maintenance of communal harmony in the areas under their jurisdiction. Their work would also be watched.

2. The State Government have also kept under consideration the suggestion of the Government of India, Ministry of Home Affairs, to formulate a scheme to reward such Police Officers who maintain communal harmony in the areas under their command.

3. Suitable action is being taken against all those who incite communal violence in the State.

4. The State Government have decided to set up peripatetic courts to try communal offences in all important regional Centres of the State.

5. The ex-gratia relief is being paid to the victims of communal disturbances. In this behalf, the State Government have recently revised scales of ex-gratia relief to be paid to the victims and have also sanctioned enhanced amounts of relief in such cases.

6. Such facility will be utilised.

7. The Press in Karnataka had generally adopted a responsible attitude to the reporting of communal situations. Most of the newspapers have generally avoided publishing articles and reports which may incite communal ill-will. Instructions have been issued by the Karnataka Government to the Press to avoid publishing of such articles/news which may incite communal feelings. Action has been taken against three papers, under Sec. 153A and 295A I.P.C. for publishing objectionable material.

II. Recruitment to State Services

8. The Karnataka Police Services (Recruitment) Rules, 1967 do not provide for special consideration to the minority communities. A representative from the minority community has been nominated in Selection Committee for Police Sub-Inspector (Civil and Armed). Minorities constitute 8.7% in Police Force against their population of 9% in the State.

III Other Measures

11. Coaching centres have been started at Bangalore, Mysore, Gulbarga, Dharwad and Mangalore, under the Department of Backward Classes in which students belonging to Backward Communities are eligible for admission. The Scheduled Caste converts to Christianity, declared as Backward, are also eligible for admission. The recently introduced scheme by the U.G.C. is being given wide publicity.

12. The Director of Technical Education of the State Government have been asked to send proposals to the Government for establishing polytechnics in minority areas. The progress report in respect of I.T.I's. will be sent in due course of time.

13. The Government have issued circulars to the Heads of Departments concerned emphasising involvement of members of minority communities in various Committees set up to oversee the implementation of universalisation of Elementary Education and Adult Education schemes.

14. Regarding the encroachment on lands and other properties belonging to the Wakf Board, the Government is keen that these encroachments are removed so that all unauthorised occupation and misuse of Wakf properties are removed/stopped. Necessary instructions in this regard have already been issued to the District Authorities.

Quarterly Report for the period ending 31-3-1985

I Communal Riots

1. The State Government have decided to post secular minded Police Officers in the communally sensitive areas.

2. A Scheme has been instituted to give awards to Officers who help in promoting national integration and maintain communal harmony in the areas under their command.

3. Special Courts have been set up to try communal offences. The State High Court has agreed to the proposal of Government to set up such Courts manned by the District and Sessions Judges. Such Courts have been set up in Bangalore, Belgaum, Gulbarga, Mysore, etc. Action is also being taken for the creation of 5 posts of District and Sessions Judges and also staff for it separately.

II. Recruitment to State Services

NIL

III Other Measures

10. The policy of the Government is to start Polytechnics in such areas which are predominantly inhabited by socially and economically weaker sections of the society. The data regarding the representation of minorities in ITIs will be furnished by the State Government later on. The State Government have approved establishment of 69 Private Polytechnics. Religious minorities have also been permitted to start Polytechnics in the State, out of which 8 are Muslim institutions and 1 Christian institution.

11. The University of Karnataka has sent a proposal to UGC for starting coaching classes at Anjuman Arts Science and Commerce College, Byapur as per the University Grants Commission's Scheme. Mysore University has also sent a proposal to UGC for starting coaching classes. Receipts of sanction from UGC is still awaited. These facilities are to keep the weaker sections of the minorities to compete in All India Services.

12. Though no programmes for minorities have exclusively been launched, still there are some programmes which benefit the minorities.

13. The Government have given instructions to remove the un-authorised occupation and misuse of Wakf properties. Necessary instructions have been given to the Deputy Commissioners in this regard. The same issue was discussed in the Conference of Divisional Commissioners held on 31-8-1984. The question of updating of records of lands pertaining to graveyards has also been taken up in consultation with the Deputy Commissioners.

The Deputy Commissioner of Dakshina Kannada (Mangalore) Hassan, Belgaum and Gulbarga, have intimated that the records of revenue lands pertaining to graveyards is being updated. Further, the Deputy Commissioner (Endowment), Gulbarga has intimated that the illegal and unauthorised ploughing in land in Survey No. 194 belonging to graveyard SUNNI MADINA VILLAGE SEDAM TAU (KARNATAKA) has been stopped and that the said land is free from the encroachment.

4. MADHYA PRADESH

Quarterly Report for the period ending 31-12-1984

I. Communal Riots

1. Distt. Police Officers with efficient and secular background have been posted in the communally sensitive areas.

2. The State Government have decided to give advance increments to such Police Officials who maintain communal harmony and brotherhood

3. Guidelines for controlling communal disturbances and to promote communal harmony have been prepared for the guidance of the District Officers.

4. The State Government has decided to take necessary action to set up Special Courts to try communal offences.

5. The State Government have accepted to implement the decision of ex-gratia grant mentioned in para 9 of the Guidelines of Rehabilitation and Payments of Ex-gratia Grant to the victims of communal riots.

6. The State Publicity Department has taken necessary steps in consultation with AIR and Doordarshan for coverage of scheme and policies of Govt. on the welfare of minorities.

7. The State Govt. have strictly issued instructions to District Authorities to keep a vigil on the publication of such news which may invite communal violence.

II. Recruitment to State Services

8. The State Government have issued instructions for showing special consideration to the minorities in the recruitment of Police Forces.

III. Other Measures

10. The State Public Undertaking, particularly those which have vast employment potential, have been advised to give special consideration to minorities in the recruitment.

11. The State Government have requested the Universities to start Coaching Classes for minorities who are interested in competing IAS and other Examinations of Government of India.

12. The State Government has also decided to open IIT's and Polytechnics in those Districts where there is none at present.

13. The Government have taken necessary action to ensure fair and adequate share of benefits under the Development Programmes including 20 Point Programme

14. The District Magistrates have been asked to take care of the problem regarding the encroachment on Wakf properties and graveyards.

15. Action is being taken to constitute a Cell in the Home Department whose main function will be to see that the minorities welfare is maintained at all costs.

Quarterly Report for the period ending 31-3-1985

1. Communal Riots

1. Action has already been taken by this State to depute efficient and secular minded officials in the communally sensitive areas.

2. The State Government have taken the decision to grant two and four advance increments to those Gazetted and Non-Gazetted Police Officers who maintain communal harmony in the areas under their control.

3. Severe action will be taken against those who incite communal violence. In this regard, Guidelines for controlling communal disturbances and to promote communal harmony have been prepared.

4. Whenever there will be need for setting up Special Courts, necessary instructions will be taken. No communal riots have taken place since August, 1980 in this State.

5. The State Government have decided to accept the scale of ex-gratia grant to the victims of communal riots.

6. The State Publicity Department has taken necessary steps in consultation with AIR/Doordarshan for coverage of schemes and policies of Government for the welfare of minorities.

7. The law enforcement agencies have instructions from State Government to be vigilant against objectionable writings in newspapers/periodicals. All instructions issued from time to time on this subject have been compiled, and a Booklet entitled "Guidelines for Controlling Communal Disturbances and to Promote Communal Harmony" is being circulated to all the District Officers of the State.

II. Recruitment to State Services

8. Instructions for showing special consideration for minorities in the recruitment to the Police Force and Public Undertakings have already been issued. For the selection of Police Constables, an officer of minority community should invariably be associated.

III. Other Measures

9. The State Public Undertakings, particularly those which have large employment potential, have been advised to show special consideration to minorities in selection.

10. The State Government have requested the Universities to start Coaching Classes in the areas dominated by minority groups, so as to enable them to compete in Competitive Examinations. The managements of minority institutions have also been contacted and requested to come up with concrete suggestions regarding the starting of Coaching Classes.

11. The State Government have taken a decision to open ITI's or Polytechnics in those districts where there is none.

12. The State Government have taken necessary action to ensure fair and adequate share of benefits under the development programme including the 20 Point Programme.

13. Suitable instructions have been issued to the District Magistrates to take care of the problems regarding encroachment on Wakf properties and on graveyards.

14. It has been decided to create a Minorities Cell in the Home Department.

5. MAHARASHTRA

Quarterly Report for the period ending 30-6-84

1. Communal Riots

1. There were widespread communal disturbances in Bhiwandi, Thane and other parts of Thane District as well as certain areas of Bombay city. During these disturbances, 258 persons lost their lives and 1066 persons were injured. The Prime Minister Smt. Gandhi and Shri Rajiv Gandhi visited these areas.

2. 23 Police Officers and 101 Policemen were rewarded for doing good work in dealing with the communal problems. However,

one sub-Inspector and 12 Policemen were placed under suspension for dereliction of duty dealing with the Bhiwadi riots.

3. 3551 persons were arrested in 1243 substantive offences while 7902 persons were arrested under preventive provisions in Bombay, Kalyan, Thane and Bhiwadi.

4. Three Special Courts were set up in Bombay and Thane to try the communal cases registered during the riots.

5. 75 relief camps provided shelter to a population of 87,500 at Bhiwadi. While 6752 huts/houses were fully damaged, 1361 were partially damaged. Total cash assistance disbursed for repairs and reconstruction was about Rs. 63 lakhs. Besides, the Govt. themselves undertook the construction of about 1000 huts on Govt. lands at an estimated cost of about Rs. 6000 each. The ex-gratia payment to victims of Communal riot were made on following scale :—

(a) Families of persons who died	Rs. 5000
(b) Seriously injured persons	Rs. 2000
(c) Other injured persons	Rs. 1000

6. The media i.e. T.V. and Radio was extensively used to restore communal harmony.

7. 10 cases were registered for delivering provocative speeches and another 10 cases for inflammatory writings in newspapers and periodicals.

II. Recruitment to State Service

—NIL—

III. Other Measures

14. There were no new cases of encroachments on graveyards or Wakf property. However, none of the 445 old pending cases were settled during the quarter.

6. RAJASTHAN

Quarterly Report for the period ending 31-12-1984

I. Communal Riots

1. Instructions have already been issued regarding the posting of highest known efficient, impartial and secular minded officers

in communally sensitive areas. In this regard, the view of Department of Personnel & Administrative Reforms is being kept in mind while posting the District Magistrate and Superintendent of Police in these sensitive areas.

2. Rewards have been awarded by way of letters of appreciation and cash rewards to one Sub-Inspector, two Head Constables and three Constables working under Superintendent of Police 9(Rural), Jaipur.

3. Instructions have been issued to take severe action against those who indulge in communal violence in the State.

4. There has been no major conflagration in any district. However, a Special Court at Bundi District is functioning.

5. As per the guidelines issued by the Government of India, necessary instructions have been issued to concerned departments regarding the rehabilitation of victims of communal riots.

State Government have also agreed that one of the members of the affected family in communal riots will be given employment in Govt Services in case no member of the affected family has a source of livelihood. In other deserving cases, ex-gratia payment will be considered.

6. The Director, Public Relations, Rajasthan has been asked to take necessary action in this respect.

7. No objectionable speech or writing has been published.

II. Recruitment to State Service

8. Instructions are being followed by the Police Department. No recruitment was made during this quarter under review.

III. Other Measures

10. Bureau of Public Enterprises, Rajasthan is taking necessary steps with regard to the representation of Minorities in employment. As regards the registration with Employment Exchanges, necessary directions have been issued by the Secretary, Science & Technology and Employment Department, Rajasthan, to all the Collectors and Field Officers of the Employment Exchanges.

11. There is no fresh development in this regard.

12. The Govt's views have already been conveyed to the Ministry of Home Affairs, New Delhi.

13. Necessary instructions have been issued to all the collectors to see that in poverty alleviation programmes, the minority families get the benefit at least in proportion to their population of the District. The job of collecting the data on the benefit reaching to the minorities under various schemes have been entrusted to Evaluation Organisation and they have started the work.

14. There has been no major problems relating to minorities except some of the local problems which sometimes creates irritants. Regarding the encroachment on Wakf properties, Revenue Department has issued fresh instructions to all Collectors and Superintendents of Police on 29-11-1984.

15. The Welfare of Minorities are being looked after by the Home Department.

Quarterly Report for the period ending 31-3-1985

I. Communal Riots

1. This aspect is kept in mind by the State Government while posting the District Magistrates and Suptd. of police.

2. The instructions have been issued and police officials are awarded by way of appreciation and cash rewards.

3. No such incidents have come to the notice of the Govt.

4. The Special Court of Bundi is functioning satisfactorily for the trial of communal violence

5. The State Government have already issued necessary instructions/orders in this regard.

6. The Director, Public relations, Rajasthan has been asked to make appropriate liaison with concerned agencies, although this matter is in the purview of the Government of India.

7. No objectionable speech or writing have come to the notice of State Government.

II. Recruitment to State Service

8. Instructions given by the State Governments are being followed by the Police Department. The rank-wise position

of minorities personnel in different cadres of Rajasthan Police as under:—

Inspector—18

Sub-Inspector—97

Assistant Sub-Inspector—90

Head Constable—362

Constable—1242

III. Other Measures

10. Information in this behalf is already intimated,

11. Same position as that of last Quarterly Report.

12. Government's views have already been conveyed.

13. Instructions have since been issued to all district magistrates by the Secretary, Special Scheme and IRDP, Rajasthan to give fair and adequate benefits to the minorities who are from weaker sections

14. Fresh instructions to curb encroachments on Wakf properties have since been issued by the Revenue Department.

15. A minority Cell has been set up in the Home Department under the overall supervision of Special Secretary (Home) which coordinates and collect information from relative Departments.

7. TAMIL NADU

Quarterly Report for the period ending 30-9-84

1. Communal Riots

1. The maintenance of communal harmony is the prime duty of honest Police Officers.

2. The Govt. have decided to reward in the form of Merit Certificates, Cash awards/Medals to such Police Officers who maintain communal harmony in the areas under their demand. Communally sensitive and riot prone areas have been identified and efforts are being made to post Police Officers in such areas who are known of highest efficiency and secular record.

3. Govt. have also decided to take severe action against those persons/parties who incite communal violence.

4. Special Courts have not been set up so far to prosecute those who incite communal proposal feelings in the state of Tamilnadu. However, the proposal is under consideration. 5, 6 and 7 District Collectors have been instructed to take follow up action on the rehabilitation of and payment of ex-gratia grant to the victims of communal riots.

II *Recruitment to State Service*

8. It have been decided to give special consideration to minorities in the recruitment to the State Police.

III. *Other Measures*

10 Necessary instructions have been issued to the Directorate of AIR/TV to arrange such programmes which may help in the communal harmony in the State.

11 All the Departments have been requested to issue special instructions to the Public Sector Undertaking to give special consideration in the recruitment to minorities

12 Some sections belonging to the Muslim community are classified as Backward Classes in Tamil Nadu. Therefore, they are eligible for their admission to special Training Institutes for Backward Classes run by the State Government Scheduled Caste converts to the Christianity are also given the same facilities as are available to Scheduled Castes in matter of special training

13. 39 self-Financing Polytechnics have been opened in Tamil Nadu. Most of them are located in the backward areas where the minority communities are in large number. 6 and 3 ITIs are located in the Muslim and Christian minorities concentrated Districts.

14. No separate Committee at District level has been constituted for the review of the 20-Point Programme in addition to the District Development Council which reviews this programme.

15. Two instances of encroachment on Wakf properties have been reported on which Govt. is taking appropriate action. Necessary instructions in this regard have already been issued to the District Authorities to deal such matters judiciously and expeditiously.

Quarterly Report for the period ending 31-12-1984

1 *Communal Riots*

1. The State Director General of Police has been instructed to post members from two minority communities also at the police

station level and see to it that the police are a composite group, especially in areas prone to communal tension. There is already a system of giving rewards to the Police personnel for their good performance.

2. Necessary instructions have been issued to take severe action against those who incite communal tension.

3. There is a proposal of setting up Special Courts for trial of Communal offences.

4. Necessary instructions have been issued to all District Collectors to take follow up action on rehabilitation and payment of ex-gratia payment to the victims of communal riots.

5. Necessary instructions have been issued to Directorate of AIR/TV to broadcast such programmes which may help in restoring communal harmony.

6. The proposal for enactment of a suitable law to prevent irresponsible and perverted reporting relating to the communal violence is under correspondence with the Govt. of India.

7. Though it may not be possible to include officers belonging to minority communities in all the committees, instructions have been issued to all concerned committees to recruit the people belonging to minority communities, where-ever possible.

II. Recruitment to State Service

8. There is no discrimination against the members of the minority communities in their selection for Police Force. However, due consideration will be given at the time of their selection.

III. Other Measures

10. Special consideration will be given to recruit minorities in State Public Sector Undertakings. The question of taking policy decision in this regard is under consideration.

11. Some sections belonging to Muslim community are declared as Backward Classes. Therefore, they are eligible for admission to special Training Institutes for Backward Classes run by State Govt for training them in I.A.S./I.P.S. and Allied Competitive Examinations

12. No change in the position as stated in the earlier Report.

13. Maximum benefits to minorities from different developmental programmes is ensured.

14. Action is being taken to evict the encroachers under section 36-B of Wakf Act 1954.

Quarterly Report for the period ending 31-3-1985

I. Communal Riots

1. The State Govt. is following the instructions of the Government of India to appoint Police Officials of secular background in the areas under communal tension.

2. The instructions of rewarding police officials, who maintain communal harmony, is being issued to all the Deputy Inspector General of Police.

3. Action will be taken against those who incite communal violence.

4. No Special Courts have been constituted to try communal offences. However, at the instance of Government of India, a proposal to constitute them is under the consideration of Government.

5. The District Collectors have been advised to take action for relief and rehabilitation of the victims of communal riots.

6. Such programmes will be telecast from Radio/T.V. which will help in maintaining communal harmony. Instructions have already been issued to the Director General T.V./AIR.

II. Recruitment to State Service

8. The Minorities will get proper representation in the Police Force.

III. Other Measures

10. In the matter of recruitment, the candidates belonging to minorities community will be duly considered. As regards the composition of Selection Committee, it may not be possible to invariably include officers belonging to the minority communities since every District does not have a high ranking minority officers but wherever they will be available, they will be included in the Selection Committees. All Public undertakings have been instructed by the State Govt to give special consideration to minorities in the selection.

11. Some sects belonging to the Muslim community are classified as Backward Classes in Tamil Nadu. They are eligible for admission to special training institute for backward classes run by

State Government, for training candidates for IAS and other Central Services Examination. Christians who are converts from Scheduled Castes are eligible for admission to training centres for Scheduled Castes/Scheduled Tribes candidates for coaching IAS and other Central Services.

12. Many ITIs and Polytechnics are existing in the area, dominated by the Muslims and Christians.

13. Maximum benefits accrue to the minorities as far as 20-Point Programme is concerned.

14. There seems to be no encroachment on Wakf properties.

8. UTTAR PRADESH

Quarterly Report for the period ending 30-6-84

I. Communal Riots

1. The State Government have reiterated the decision to post officers of the highest known efficiency and secular record in communally sensitive and riot prone Districts.

2. The District Officials who maintain communal harmony by rendering meritorious services are to be given commendation certificates which will be kept in their Character Rolls.

3. 80 persons were detained under the National Security Act 1980, upto June 1984, for inciting communal tension and ultimately 9 persons, who were found not guilty, were released.

4. The position is the same as reported earlier.

5. Orders have been issued to all the District Magistrates to give ex-gratia relief to the victims of communal riots. The Development Authorities and Housing Boards have been instructed to keep this point in view while launching new Housing Schemes in the areas densely populated by the minority communities. Houses are already being constructed for the minorities in Moradabad and Aligarh.

6. Radio and T.V. are helping in the promotion of National Integration. During the Punjab crisis, the State Government arranged interviews of prominent Sikh leaders.

7. Action has been initiated against weekly newspapers from Muzaffarnagar for publication of objectionable material on Sikh Gurus.

II. Recruitment to State Service

8. The position is the same as reported earlier.

III. Other Measures

10. Necessary steps will be taken by the State Government when copies of orders are received from the Govt. of India regarding the employment of members of minorities in Public Sector Undertakings in Central Government.

11. While the schemes for starting Coaching Classes in the Universities of Agra, Lucknow and G.P. College, Shahjahanpur have been received and are being processed for according sanction of financial expenditure involved, the schemes from Allahabad and Gorakhpur Universities are awaited.

12. Three months training courses in plumbing, sanitary fittings, fabrication and welding will be started at Govt. Polytechnics of Kanpur and Moradabad for the minorities. A Financial Corporation for minorities with an initial capital of 50 lakhs will be established.

13. The Ministers incharge of the Districts have been requested to nominate members of the minorities out of the 3 non-official members to be nominated in the Block Development Committees.

14. The position is the same as reported earlier.

15. The second meeting of the Committee of U.P. Legislators set up under the Chairmanship of the Minister for Finance was held on 4-6-1984.

Quarterly Report for the period ending 30-9-1984

I. Communal Riots

1. Orders have already been issued for posting the officers of the highest known efficiency and secular record in communally sensitive and riot prone districts.

2. Orders have already been issued providing for commendation certificates for meritorious services to such Police Officers/District Magistrates who maintain communal harmony in the areas under their control.

3. Two persons have been detained under the National Security Act on the ground of creating communal disharmony.

4. Necessary provision has been made for setting up of Special Courts to try communal offences speedily. However, there has been no occasion to establish such Courts during this quarter.

5. Government orders already in existence provide for immediate financial relief to the victims of communal violence. However, there has been no communal violence during this quarter.

6. Adequate use of Radio and Television has been made for spreading the message of communal harmony. Special write-ups and materials were provided to AIR and Television on the occasion of Independence Day, Janmashtmi and Id-ul-Zuha.

7. A complaint has been lodged with the Press Council of India against Daily "Dainik Jagran" of Kanpur for publishing an objectionable Article on the Punjab Issue. The complaint already filed against a weekly from Muzaffarnagar is also being pursued with the Press Council. A book entitled 'High School Seema Samajik Vigyan Digdarshan, Part-I', published by Seema Publications, Bulandshahr has been proscribed for publishing objectionable material.

II. *Recruitment to the State Service*

8. Orders have already been issued by the Home Department for setting up representatives selection Committees in the recruitment of Police personnel.

III. *Other Measures*

10. Orders have been issued for nominating minority representatives on the Selection Committees for recruitment to Category II, III and IV posts in the Public Sector Undertakings of the State.

11. Coaching Classes for students belonging to minorities have been started in the Universities of Allahabad, Lucknow, Rohilkhand and Gorakhpur. It has also been decided to start at least one such coaching institute in every Division. The District Magistrates are to assist all the minorities' institutions and religious trust, which may be interested in starting such coaching classes in their district.

12. It has been decided to establish polytechnics in minority concentrated districts during the Sixth Five Year Plan i.e. the current financial year where there were no polytechnics earlier. There is a proposal to establish polytechnics in the districts of Philibhit and Hardoi also during the 7th Five Year Plan. A three-month training course with 20 seats each for minorities candidates in (1) plumbing and sanitary fittings and (2) fabrication and weld-

ing has since been started in the old polytechnics of Moradabad and Kanpur, respectively. Orders have also been issued for setting up a Minorities Finance Corporation for providing financial assistance to the members of minorities.

13. Members of minority communities have been nominated on District Committees constituted to oversee the implementation of 20-Point Programme in the 47 districts. A number of persons from Minorities have been nominated on block level committees in Deoria, Dehradun and Varanasi Districts.

14. Instructions have already been issued for removal of encroachments on Wakf properties/graveyards. Since June 1983, 126 cases of encroachments have been reported by the Wakf Board of which, excepting 9 cases, action has been initiated in respect of 117 cases by the Board.

15. A committee under the Chairmanship of Finance Minister has been constituted to constantly review the welfare programme launched for the benefit of minorities.

Quarterly Report for the Period ending 31-12-1984

I. Communal Riots

1. As reported earlier.
2. As reported earlier.
3. 17 persons were detained under the National Security Act.

4. Necessary provision has been made for the setting up of Special Courts for the trial of communal offences. However, there has been no opportunity so far to establish such courts.

5. On the death of Smt. Indira Gandhi, a spontaneous reaction occurred in some Districts and there was also loss of life and property at a few places. Prompt relief to the effected was provided and a sum of Rs. 1,62,83,050 has been disbursed so far.

Housing Schemes in Aligarh and Moradabad have been launched. While 88 houses have been constructed in Aligarh, construction work of 683 houses in Moradabad is in hand.

6. Radio and T.V. played a very vital role in restoring normalcy in a very short time after the incidents in the first week of November 1984.

7. There has been no occasion to prosecute or to lodge a complaint before the Press Council of India against any one.

II. Recruitment to State Service

8. As reported earlier.

III. Other Measures

10. Action on this point is already complete.

11. 22 students in Rohilkhand University, 30 students in Gorakhpur University and 30 students in Shibli National College, Azamgarh have been admitted for Coaching Classes for the minorities. Instructions have been issued for furnishing the copies of notification relating to vacancies to all minority educational institutions and Universities where Career Guidance Centres have been established under the UGC Scheme.

12. Govt. Polytechnics at Moradabad and Lucknow are being developed as Community Polytechnics and 5 training centres in each are being opened in which job oriented training will be given to the minority students. There is also a proposal under the VII Five Year Plan to establish vocational centres for imparting short-term training in the minority concentration Districts of Lucknow, Gorakhpur, Bareilly, Kanpur and Moradabad. The number of students admitted in Polytechnics or ITIs is given here under :—

	1982-83	1983-84	1984-85
Muslim	256	333	1261
Sikh	40	46	198
Christian	12	18	66
Total	308	397	1525

While 8 Nationalised and 17 Regional Banks provided a financial assistance of Rs. 1640.83 lakhs to 61,532 beneficiaries of the minority communities during 1983-84, 4 banks have organised 24 Credit Camps in the minority concentration areas and provided credit assistance to 6,668 beneficiaries during the year 1984.

13. 122 and 253 representatives from minorities have been nominated in District and Block Level Committees constituted for monitoring the 20-Point Programme.

14. Action has been reported earlier.

15. Position is the same as reported earlier.

Quarterly Report for the period ending 31.3.1985

I *Communal Riots*

1. The posting of impartial and efficient officers in the riot prone Districts is already complete.

2. Orders have already been issued for rewarding the meritorious police personnel for the maintenance of communal harmony.

3. Four persons have been detained under the National Security Act as they were found inciting communal tension in village Naudha, District Varanasi.

4. No need to establish Special Courts in the State has arisen so far.

5. Adequate provision has been made to provide relief to the victims of communal riots. However, no communal riot took place during the quarter. Housing Schemes in Districts of minority concentration areas are in progress.

6. Radio and Television have been maintaining close contact with the Information Department of the State Govt. and messages of national integration, communal harmony and peace are broadcast frequently. The occasions like Holi and Republic Day were suitably utilised for this purpose.

7. A State-level Committee under the Chairmanship of Secretary (Information) and District Level Committees under the Chairmanship of District Magistrates have been set up for proper co-ordination with the press.

II *Recruitment to State Service*

8. Necessary orders have already been issued to give special consideration to the minorities in the recruitment of police personnel.

III *Other Measures*

10. Orders have been issued to publicise the job vacancies through Urdu Press for the benefit of minorities. The District Magistrates have been asked to launch a special drive for registration with the Employment Exchanges of the candidates from minorities.

11. A coaching Centre has been started by the Agra University where 42 students belonging to the minorities have been admitted for preparing them for P.C.S. Competition. The first batch of 30 students was admitted in the Coaching Centre of Allahabad University. The Universities of Agra, Lucknow, Gorakhpur, Allahabad, Rohilkhand, Avadh, Meerut and Varanasi have also submitted their detailed schemes for grants-in-aid to the U.G.C.

12. While 4 new Polytechnics were opened in the minority concentrated districts of Jaunpur, Bahraich and Rampur, ITIs have already been opened in all the 15 minority concentrated Districts. The banks have been motivated to organise special Credit Camps in minority concentration areas. So far 9 banks have organised 82 camps providing credit assistance to 20, 925 beneficiaries. The Canara Bank has prepared a special scheme for financing 300 brassware artisans in Jalesar Block in Etah District.

13. Adequate number of persons belonging to minority communities have already been nominated on District and Block Level Committees. Emphasis has already been laid for opening Fair Price Shops, primary and subsidiary Health Centres, drinking water schemes in the areas dominated by the minority communities and on the implementation of welfare measures for artisans and weavers from minorities. The Registrar, Co-operative Societies has issued instructions to ensure that no discrimination is made in the registration of Co-operative Societies formed by the minorities.

14. While the State Government was considering amendments of the State Wakf Act to make it more effective for the removal of encroachments on Wakf properties/Graveyards, it was learnt that the Govt of India are acutely considering a proposal for the application of the Central Wakf Act on the State.

15. Action is already communicated on this point.

9. UNION TERRITORY OF ARUNACHAL PRADESH

Quarterly Reports for the period ending 30.6.84 and 30.9.1984.

1. Communal Riots

1. Communal problem does not exist in this Union Territory

2. The entire population in this area belongs to the Scheduled Tribes excepting few Government servants and floating labour population.

3. Instructions have been issued to all concerned to deal with communal disturbances effectively if such eventualities arise.

II. Recruitment to State Service

8. There is provision to recruit 80% of people belonging to indigenous tribes in the Central/State Governments in this territory. There is no scope for reservation of posts for minorities. The Police Force is represented by candidates from both Arunachallis and non-Arunachallis.

III. Other Measures

13. Benefits from various developmental programmes including the 20-Point Programmes are available to all the indigenous Tribes and sub-Tribes of the territory, equally.

10. UNION TERRITORY OF CHANDIGARH

Quarterly Report for the Period ending 30-9-1984

I. Communal Riots

1. There was some tension between the members of Hindu and Sikh communities following the murder of Shri Inder Pal Gupta, the then president of Hindu Suraksha Samiti in April 1984. Following communal violence, the Government has tried its best to check it.

2. It has been decided to give rewards to such District and Police Officers who maintain communal harmony in the areas under their control.

3. Legal action is being taken against those persons who incite communal violence. 9 such cases were registered against such persons which are under investigation.

4. Special Court was set up to try communal offences.

5. It has been decided to adopt the guidelines received from the Centre regarding the rehabilitation of and payment of ex-gratia grants to victims of communal riots.

6. The media i.e. T.V. and Radio has fully co-operated in maintaining communal harmony and peace in the affected areas.

7. The Government have decided to keep a vigilant eye on the publication of tendentious materials in the local news

papers which could incite communal tension. Clippings from papers are daily sent to the Legal Remembrancer for examination. Cases under Section 4 of the Punjab Special Powers (Press) Act, 1956 have been registered against (1) Him Prabha (2) Indian Express (3) Tribune and (4) Bharat Prabha (Hindi Daily) for publication of objectionable material.

II *Recruitment to State Service*

8. The State Government is making direct recruitment only at the Constable level. The Selection Committee keeps the interests of minorities at the time of selection.

III *Other Measures*

10. Instructions to give special consideration to minorities in all recruitments have been issued to all Heads of the Boards/Corporations.

11. There are no minority educational institutions in Chandigarh.

12. Since there is no predominantly minority area in this Union Territory, no action is proposed for setting up additional ITIs and Polytechnics.

13. Possible care is taken in future to see that minority communities benefit from Economic Programmes. Seven ladies belonging to minority communities were provided loans on easy instalments for self employment. Out of 34 units registered as Small Scale Industrial Unit, 11 belong to Sikhs and 19 to Muslims.

14. Due care is taken for the protection of the places of worship. No case of encroachment of Wakf property or graveyard has been reported.

15. Problems relating to minorities are handled promptly on a continuing basis.

11. UNION TERRITORY OF GOA, DAMAN & DIU

Quarterly Report for the Period ending 30-9-1984

I *Communal Riots*

1 to 7. There is complete communal harmony in this Union Territory. The Muslim population especially in the district of Goa is less than 5% and that of Christians is 33.9%. Total

Police Force is 2735 out of which 3% are Muslims and 18% are Christians. Police force attached to various Police Stations comprises persons belonging to all the communities.

II. Recruitment to State Service

8. In regard to Recruitment Policy, the Administration follows the instructions issued by the Govt. of India from time to time.

III. Other Measures

10. There are only 1504 employees in seven State Public Sector undertakings. Necessary instructions have been issued to them to give special consideration to minorities in the recruitment.

11. The Administration has already initiated action to start coaching classes at the post-graduate Centre at Panaji.

12. There are 3123 trainees in the Govt. ITIs out of which 18 Trainees belong to Muslim community and 929 trainees belong to Christian community.

13. The Minister for Revenue, who is the Member of the High Power Committee for monitoring the implementation of the 20-Point Programme, is a Muslim.

14. There are no Wakf properties in this Territory.

15. The collection of data about the benefits accrued to minorities will be undertaken by the Directorate of Planning and Statistics of this Government.

12. UNION TERRITORY OF LAKSHADWEEP

Quarterly Report for the period ending 31-12-1984.

I. Communal Riots

1 to 7. There has been no instance of communal riots/religious conflicts in this Union Territory. There is no Press publishing any kind of newspapers except the Government Press under the Administration.

II. Recruitment to State Service

8. In Police force, 50% of the posts are reserved for the Scheduled Tribes all of whom are Muslims.

III. Other Measures

10. There are no Railway or Public Sector Enterprises in this Territory. However, the Syndicate Bank has recruited local hands for its 5 Branches.

11&12. All the local inhabitants are classified as Scheduled Tribes. 45% of the posts in Group A and B are reserved for them and all the posts in Group C and D are being filled in from among the local Scheduled Tribes candidates. Syllabus for Govt. schools in Kerala is being followed in all schools in the Islands. The colleges are affiliated to the University of Calicut. Action has already been initiated to start an ITI in this Territory.

13. All the developmental programmes including 20-Point Programme are solely for the benefit of the Minority community

14. No encroachment on wakf properties/ graveyards has been reported. There are no chances for such encroachment

15. A proposal has been submitted to the Ministry of Home Affairs for creation of certain posts required for the Special Cell in the Administration to look after the problems of the minority community.

13. UNION TERRITORY OF MIZORAM

Quarterly report for the Period ending 30-9-1984

† Communal Riots

1. There have been no communal riots in Mizoram. Every effort is being made to post honest Police officers in the areas where there is any chance of communal tension.

2. Officers who maintain communal harmony in the areas under their control will be suitably rewarded.

3. It has been decided by the Government of Mizoram to take severe action against anyone inciting communal tension or taking part in violence.

4. There is no need of setting up of Special Courts for disposal of cases against the persons involved in communal riots.

5. Since there are no communal riots, therefore, there is no need of giving relief and financial assistance to victims of communal riots.

6. The need for programmes on communal harmony from Radio/Television has not arisen as yet.

7. There has been no instance of the Press indulging intendentious and inflammatory reporting which may incite communal tension.

II. Recruitment to State Service

8. Every effort is being made to see that minority communities are adequately represented when recruitment to the Police force are made.

III. Other Measures

10. There are no Railways and Public Sector undertakings. The appointments in the Nationalised Banks are controlled by the Regional Recruitment Board (State Bank Group), North Eastern Region, Guahati.

11. It is not felt necessary to start Coaching Classes for minorities for Competitive Examinations

12. The existing ITIs and Polytechnics admit Students from all communities.

13. The development plans are geared to benefit all segments of the Society.

14. No case of encroachment on wakf properties has arisen so far.

15. No Comment.

